

RULES OF PRACTICE

IN THE

UNITED STATES PATENT OFFICE.

AUGUST, 1871.

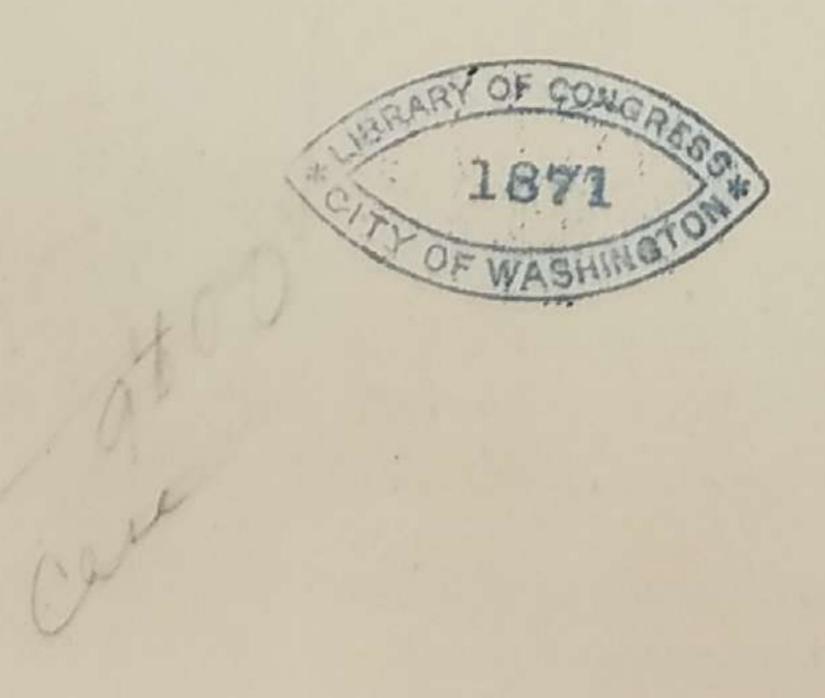
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The following information and regulations are designed to be in strict accordance with the revised, consolidated, and amended law relating to patents for inventions and designs and to trade-marks, approved July 8, 1870, and modified March 3, 1871, which law, the only one in force on these subjects, is printed in pamphlet form for gratuitous distribution.

Copious forms, to which inventors and attorneys are recommended to conform as nearly as possible, will be found in an appendix.

WHO MAY OBTAIN A PATENT.

- 1. Any person, whether citizen or alien, being the original and first inventor or discoverer of any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent for his invention or discovery, subject to the conditions as to public use and abandonment hereinafter named.
- 2. In case of the death of the inventor, the patent may be applied for by, and will issue to, his executor or administrator. In case of an assignment of the whole interest in the invention, the patent will issue to the assignee, upon his request; and so, if the assignee holds an undivided part interest, the patent will, upon his request, issue jointly to him and the inventor; but the assignment must first have been entered of record, and at a day not later than the date of the payment of the final fee, and the application must be duly made and the specification sworn to by the inventor.
 - 3. Joint inventors are entitled to a joint patent; neither can claim one separately: but independent inventors of separate improvements in the same machine cannot obtain a joint patent for their separate inventions; nor does the fact that one man furnishes the capital and the other makes the invention, entitle them to take out a joint patent.
 - 4. A patent will not be granted to an applicant if what he claims as new has been, before his invention, patented or described in any printed publication in this or any foreign country, or been invented or discovered in this country, nor if he has once abandoned his invention,

nor if it has been in public use or on sale more than two years previous to his application.

- 5. If it appears that the inventor, at the time of making his applieation, believes himself to be the first inventor or discoverer, a patent will not be refused on account of the invention or discovery, or any part thereof, having been known or used in any foreign country before his invention or discovery thereof; it not appearing that the same or any substantial part thereof had before been patented or described in any printed publication.
- 6. Merely conceiving the idea of an improvement or machine is not an "invention" or "discovery." The invention must have been reduced to a practical form, either by the construction of the machine itself, or of a model thereof, or by making a drawing of it, or by such disclosure of its exact character that a mechanic, or one skilled in the art to which it relates, can and does, from the description given, construct the improvement or a model thereof, before it will prevent a subsequent inventor from obtaining a patent.

MODE OF PROCEEDING TO OBTAIN A PATENT.

APPLICATION.

7. No application for a patent can be placed upon the files for examination until the fee is paid, the specification and the petition and oath are filed, and the drawings and a model or specimens (when required) are furnished. The application must be completed and prepared for examination within two years after the filing of the petition; and in default thereof, or upon failure of the applicant to prosecute the same within two years after any action thereon of which notice shall have been mailed to him or his agent, it shall be regarded as abandoned, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

It is desirable that everything necessary to make the application complete should be deposited in the Office at the same time. If otherwise, a letter should accompany each part, stating to what application it belongs, and giving the date thereof.

- 8. The application and oath must be made by the actual inventor, if alive, even if the patent is to issue to an assignee; but where the inventor is dead, the application and oath must be made by his executor or administrator.
- 9. The application must be in writing, in the English language, and addressed to the Commissioner of Patents. The petition and specification must be separately signed by the inventor. The specification, claims, and all amendments must be written in a fair, legible hand; otherwise,

the Office may require them to be printed; and all interlineations or erasures should be clearly marked in a marginal or foot note written on the same sheet of paper. All the papers constituting the application should be attached together. Legal cap paper is deemed preferable, and a wide margin should always be left upon the left-hand side of the page.

- 10. The applicant, if the inventor, must make oath or affirmation that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement for which he solicits a patent; that he does not know and does not believe that the same was ever before known or used; and shall state of what country he is a citizen. If the application be made by an executor or administrator, the form of the oath will be correspondingly changed. The oath or affirmation may be made before any person within the United States, authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent, holding commission under the Government of the United States, or before any notary public of the foreign country in which the applicant may be, the oath being attested in all cases, in this and other countries, by the proper official seal of such notary.
- 11. In case the applicant by amendment seeks to introduce any claim or claims, not substantially embraced in the original affidavit, he will be required to file a supplemental oath relative to the invention as covered by such new or enlarged claim or claims; and such supplemental oath must be upon the same paper which contains the proposed amendment.

SPECIFICATION.

- 12. The specification is a written description of the invention or discovery, and of the manner and process of making, constructing, compounding, and using the same, and is required to be in such full, clear, concise, and exact terms, avoiding unnecessary prolixity, as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same.
- 13. Where there are drawings, the specification should refer by letters and figures to the different parts; and it must set forth the precise invention for which a patent is claimed, explaining the principle thereof and the best mode in which the applicant has contemplated applying that principle, so as to distinguish it from other inventions.
- 14. In all applications for patents upon mere improvements the specification must particularly point out the part or parts to which the improvement relates, and must by explicit language distinguish between what is old and what is claimed as the improvement, so that the Office

and the public may understand exactly for what the patent is granted; and in such cases the description and the drawings, as well as the claims, should be confined to the specific improvement and such parts as necessarily cooperate with it.

- 15. Two or more distinct and separate inventions cannot be claimed in one application; but where several inventions relating to the same subject are necessarily connected each with the other, they may be so claimed.
- 16. If more than one invention is claimed in a single application, and they are found to be of such a nature that a single patent may not be issued to cover the whole, the office will require the inventor to confine the description and claim of the pending application to whichever invention he may elect; the other inventions may be made the subject of separate applications.
- 17. The specification must be signed by the inventor, or by his executor or administrator, and must be attested by two witnesses. Full names must be given, and all names, whether of applicants or witnesses, must be legibly written.

DRAWINGS.

- 18. The applicant for a patent is required by law to furnish a drawing of his invention, where the nature of the case admits of it.
- 19. In accordance with recent legislation by Congress copies of the drawings of patents will hereafter be prepared by the photo-lithographic process for general distribution; and in order to insure the requisite excellence and uniformity in the copies, the following rules are established regulating the character of the originals:
 - 1. The drawings must be on sheets ten by fifteen inches, having a light and simple single-line border one inch from the edge, leaving the "sight" exactly eight by thirteen inches. The drawing, as well as the entire signatures, must be included within this border.
 - 2. The paper should be heavy enough to support itself in the portfolios, and in all cases must have a smooth or calendered surface. A "double-thick bristol-board," or Whatman's drawing paper, "antiquarian" size, should be used.

3. All the lines must be clear, sharp, well-defined, not too fine, and perfectly black. Lines that are pale, ashy, very fine, ragged, or rotten, give bad results when photo-lithographed.

4. Brush-shading, tinting, and imitation surface-graining should never be used, and in line-shading the result should be attained with as few lines as possible. Section lines also should be as open in their spacing as the case will admit of; and these, as well

as all right lines, in order to insure clearness, should be made with a ruling pen. The shading of convex and concave surfaces may be dispensed with when the invention is otherwise well illustrated.

- 5. Shade lines may sometimes be used with good effect, but heavy shadows, where they would obscure lines or letters of reference, should be avoided.
- 6. It is preferred that the drawings of machines should be made to a scale, and when so made the scale should be indicated graphically on the drawings. The scale should be large enough to show the mechanism without crowding the lines, and special care should be had to show distinctly every part which is included in any of the claims. To this end, if occasion requires, partial views must be made upon a larger scale than that adopted in the general view, and for this purpose two or more sheets may be used. The plane upon which a sectional view is taken should be indicated in the general drawing by a broken or dotted line. The number of sheets, however, must be as few as possible.
- 7. It is important that all letters of reference be made perfectly distinct, and they should be so placed as not to obscure the lines. If a drawing is to be turned upon its side in reading a given figure, the reference letters should be made to correspond, and should be so placed that the sheet will be turned to the right. If the same part appears in more than one figure, it should always be represented by the same letter.
- 8. Not only the drawing itself, but all the letters of reference and the signatures, should be made with perfectly black ink. Violet, blue, or grayish inks must never be used.
- 9. No agent's or attorney's stamp will be permitted upon the face of the drawing, either within the border line or upon the margin.
- 10. The signature of the inventor will be placed upon the lower right-hand corner of the sheet, and the signatures of the witnesses upon the lower left-hand corner; and sufficient room will be left at the top of the space inclosed by the border line for inserting the title of the invention and the inventor's name. These should be written upon the back of the sheet, with a lead pencil, not in ink. The permanent names and titles will subsequently be supplied by the Office in uniform style. One of the shorter sides of the sheet will be regarded as its top.
- 11. Applicants need not furnish duplicates in tracing, as the drawing which accompanies the patent will be furnished by the Office and will be a photo-lithographic copy of the original.
- 12. Drawings should be rolled for transmission to the Office, and not folded.

- 20. The foregoing rules relating to drawings will be rigidly enforced; and all drawings not artistically executed in conformity therewith will be returned to the respective applicants, or, at the applicants' option, the Office will make the necessary corrections and charge the parties with the cost of the same.
- 21. A specimen drawing, illustrating arrangement, style, and quality of work, will be furnished upon request.
- 22. In applications for reissue a new drawing will be required, unless the original on deposit in the Patent Office conforms to the above rules.
- 23. Applicants are advised to employ competent artists to make their drawings.

MODEL.

- 24. An applicant upon filing his specification and drawings may submit to the Commissioner the question whether he shall deposit a model or specimen of his invention; otherwise, a model will be required in every case where the nature of the invention admits of such illustration, except in applications upon designs. Such model must clearly exhibit every feature of the machine which forms the subject of a claim of invention, but should not include other matter than that covered by the actual invention or improvement.
- 25. The model must be neatly and substantially made of durable material, metal being deemed preferable; and should not in any case be more than one foot in length, width, or height. If made of pine or other soft wood, it should be painted, stained, or varnished. Glue must not be used, but the parts should be so connected as to resist the action of heat or moisture.
- 26. A working model is always desirable, in order to enable the Office fully and readily to understand the precise operation of the machine. When the invention is a composition of matter, a specimen of each of the ingredients and of the composition, properly marked, must accompany the application, unless, upon request made, this requirement is dispensed with.
- 27. The model, unless it is deemed necessary that it be preserved in the Office, or unless it be otherwise disposed of, may be returned to the applicant upon demand, and at his expense, in all cases where an application has been rejected more than two years; and, in any pending case of less than two years' standing, upon the filing of a formal abandonment of the application, signed by applicant in person.
- 28. Models filed as exhibits, in interference and other cases, may be returned to the applicant, at the discretion of the Commissioner.

THE EXAMINATION.

- 29. All cases in the Patent Office are classified and taken up for examination in regular order; those in the same class being examined and disposed of, as far as practicable, in the order in which the respective applications are completed. When, however, the invention is deemed of peculiar importance to some branch of the public service, and when, for that reason, the head of some Department of the Government specially requests immediate action, the case will be taken up out of its order. These, with applications for extensions, for reissues, and for letters patent for inventions for which a foreign patent has already been obtained, which cases have precedence over all others, are the only exceptions to the above rule in relation to the order of examination. If an application is found to conflict with a caveat, its examination will be suspended as hereinafter provided.
- 30. The personal attendance of the applicant at the Patent Office is unnecessary. The business can be done by correspondence or by attorney; and if there has been an assignment of the whole or of an undivided part of the invention, the assignee, or in the latter case the assignee and the inventor, jointly, will be recognized as the proper party to prosecute the application.
- 31. The applicant has a right to amend after the first rejection; and he may amend as often as the examiner presents any new references. After a second rejection, and at any time before the issue of a patent, special amendments may be made, if sufficient reason therefor be shown.
- 32. All amendments of the model, drawings, or specification, in the case of original applications which are capable of illustration by drawing or model, must conform to at least one of them as they were at the time of the filing of the application; further changes than this can only be made by filing a new application. If the invention does not admit of illustration by drawing, amendment of the specification may be made upon proof satisfactory to the Commissioner that the proposed amendment is a part of the original invention.

All amendments of specifications or claims must be made on separate sheets of paper from the original, and must be filed in the manner above directed. Even when the amendment consists in striking out a portion of the specification, or other paper, the same course should be observed. No erasure must be made by the applicant. In every case of amendment the exact word or words to be stricken out or inserted should be clearly specified, and the precise point indicated where the erasure or insertion is to be made.

33. Whenever, on examination, any claim for a patent is rejected for any reason whatever, the applicant will be notified thereof, and the reasons for such rejection will be given, together with such information

and references as may be useful in judging of the propriety of renewing his application or of altering his specification; and if, after receiving such notice, he shall persist in his claim for a patent, with or without altering his specification, the case will be reëxamined.

- 34. Upon the rejection of an application for want of novelty, the applicant will, if he demands it, be entitled to a specific reference (by name, date, and class, or the equivalent thereof,) to the article or articles by which it is anticipated. If he desires a copy of the cases so referred to, or of the plates or drawings connected with them, they will be forwarded to him, if in possession of the Office, on payment of the cost of making such copies.
- 35. When the rejection of an application is founded upon another case previously rejected but not withdrawn or abandoned, the applicant will be furnished with all information in relation to the previously rejected case which is necessary for the proper understanding and management of his own.
- 36. The specification, especially if the claim be amended, must be amended and revised, if required by the examiner, for the purpose of correcting inaccuracies of description or unnecessary prolixity, and of securing correspondence between the description of the invention and the claim. Mere errors of orthography or of grammatical construction will be corrected by the examiner in charge.
- 37. The Office will not return specifications for amendment; and in no case will any person be allowed to take any papers, drawings, models, or samples from the Office. If applicants have not preserved copies of such papers as they wish to amend, the Office will furnish them on the usual terms.

DATE OF PATENT.

38. Every patent will bear date as of a day not later than six months from the time at which the application was passed and allowed, and notice thereof was mailed to the applicant or his agent, and if the final fee (or, in case the fee has been paid to the Treasurer or any of the Assistant Treasurers or any of the designated depositaries of the United States, the certificate of deposit) be not received at the Office within that period, the patent will be withheld. The party may, however, obtain a patent upon a new application, as hereinafter provided.

A patent will not be antedated.

WITHDRAWN AND REJECTED APPLICATIONS.

39. When an application for a patent has been rejected, or has been withdrawn, the applicant will be required to renew the same or to file a new one within two years of the date when notice of the last official

action was mailed to him or to his agent, and in default thereof his application will be held to have been abandoned.

- 40. When the application has been withdrawn, the proper course will be to file a new one; and for this purpose the old specification and drawings may be used if made in accordance with existing rules, but a new fee will invariably be required. When the application has been rejected but not withdrawn, any act which calls it up for further consideration upon its merits will be regarded as constituting a renewal.
- 41. Upon the hearing of such renewed applications of either class, patents will be refused if it be found that the parties have abandoned their inventions; and, in order that opportunity may be given for the production of proof of abandonment, or of two years' public use, if either exist, an interference will, at the discretion of the Office, be declared between the renewed application and all applications made or patents granted in which the device in controversy has been claimed or described.

In the trial of such interferences the questions of priority of invention and of patentability may be inquired into, as well as the questions of abandonment and public use.

APPEALS.

42. Every applicant for a patent or the reissue of a patent, any of the claims of which have been twice rejected, may appeal from the decision of the primary examiner, in such case, to the Board of Examiners-in-Chief, having once paid a fee of ten dollars. For this purpose a petition in writing must be filed, signed by the party or his authorized agent or attorney, praying an appeal and setting forth the reasons upon which the appeal is taken.

This statement of the reasons of appeal should point out distinctly and specifically the supposed errors of the examiner's action, and should constitute a brief of the argument upon which the applicant will rely in support of his appeal. Before the appeal is entertained by the board this statement will be submitted to the primary examiner, who will make answer in writing touching all the points involved therein.

If the appellant desires to be heard orally before the board, he should so indicate when he files his appeal; a day of hearing will then be fixed and due notice of the same be given him.

- 43. The examiners-in-chief will consider the case as it was when last passed upon by the primary examiner, merely revising his decisions so far as they were adverse to the appellant.
- 44. There must be two rejections upon the claims as originally filed, or, if amended in a matter of substance, upon the amended claims; and all the claims must be passed upon and all preliminary and intermediate questions must be settled before the case is appealed to the board.

Decisions of examiners upon preliminary or intermediate questions, or refusals to act, twice repeated, will be reëxamined, upon written application setting forth the grounds of the appeal, by the Commissioner in person. For appeals of this class no fee is required.

45. Cases which have been heard and decided by the board or by the court, will not be reopened by the examiner without the written authority of the Commissioner; and cases which have been decided by the examiners-in-chief will not be reheard by them except upon the same authority.

Cases which have been deliberately decided by one Commissioner will not be reconsidered by his successor upon the same state of facts. They may, however, be reopened in accordance with the general principles which govern the granting of new trials.

- 46. All cases which have been acted on by the Board of Examiners-in-Chief may be brought before the Commissioner in person, upon a written request to that effect, and upon the payment of the fee of twenty dollars required by law.
- 47. From an adverse decision upon the claims of an application an appeal may be taken to the Supreme Court of the District of Columbia sitting in banc. In taking such appeals the applicant is required, under the rules of the court, to pay to the clerk of the court a docket fee of ten dollars, and he is also required by law to lay before the court certified copies of all the original papers and evidence in the case. The petition should be filed and the fee paid at least ten days before the commencement of the term of court at which the appeal is to be heard.

Immediately upon taking an appeal the appellant must give notice thereof to the Commissioner of Patents, and file in the Patent Office his reasons of appeal, specifically set forth in writing.

The docket for the trial of cases appealed from the decision of the Commissioner of Patents will be called on the first day of each session of the Supreme Court of the District of Columbia in general term. These sessions are held three in each year, and begin respectively on the first Monday in January, the third Monday in April, and the fourth Monday in September.

48. In cases of interference parties have the same remedy by appeal to the examiners-in-chief, and to the Commissioner, as in *ex parte* cases; but no appeal lies in such cases from the decision of the Commissioner. Appeals in interference cases should be accompanied with a brief statement of the reasons therefor; and both parties will be required to file briefs of their arguments at least five days before the day of hearing. Printed briefs are in all cases preferred.

HEARINGS.

49. All cases pending before the Commissioner, the Board of Examiners-in-Chief, or the examiner in charge of interferences, will stand for argu-

ment at one o'clock on the day of hearing, unless some other hour be specially designated. If either party in a contested case, or the appellant in an ex parte case, appears at that time, he will be heard; but a contested case will not be taken up for oral argument after the day of hearing, except by consent of both parties. If the engagements of the tribunal before whom the case is pending are such as to prevent it from being taken up on the day of hearing, a new assignment will be made, or the case will be continued from day to day until heard. Unless otherwise ordered before the hearing begins, oral arguments will be limited to one hour for each counsel.

MOTIONS IN CONTESTED CASES.

50. In contested cases reasonable notice of all motions, and copies of the motion papers and affidavits, must be served upon the opposite party or his attorney. Proof of such service must be made before the motion will be entertained by the Office; and motions will not be heard in the absence of either party except upon default after due notice. Motions will be heard in the first instance by the officer or tribunal before whom the particular case may be pending; but an appeal from the decision rendered may be taken to the Commissioner in person.

INTERFERENCES.

51. An "interference" is an interlocutory proceeding for the purpose of determining which of two or more persons, each or either of whom claims to be the first inventor of a patentable device or combination, really made the invention first. It may also be resorted to for the purpose of procuring evidence relating to the alleged abandonment or the public use of an invention.

An interference will be declared in the following cases:

First. When the parties have pending applications before the Office at the same time, both or all the parties claiming to be the first inventor of the same thing. When two applications are pending at the same time which describe the same device, but in only one of which it is specifically claimed, it may still become necessary to declare an interference.

Second. When an applicant, having been rejected upon a prior unexpired patent, claims to have made the invention before the prior patentee.

Third. When an invention is claimed in a renewed application which is shown or claimed in an application filed or patent granted prior to the filing of such renewed application.

Fourth. When an applicant for a reissue embraces in his amended specification any new or additional description of his invention, or enlarges his claim, or makes a new one, and thereby includes therein anything which has been claimed or shown in any patent granted subsequent to the date of his original application, or in any pending application; provided there is reason to suppose that such subsequent applicant or patentee may be the first inventor.

If the reissue application claims only what was granted in the original patent, it may be put into interference with any pending application in which the same thing is shown, provided the later applicant claims to be the prior inventor and is not barred a patent by public use or abandonment.

Under certain circumstances, also, a reissue application may be put into interference with a patent of older date.

- 52. The fact that one of the parties has already obtained a patent will not prevent an interference; for, although the Commissioner has no power to cancel a patent already issued, he may, if he finds that another person was the prior inventor, give him also a patent, and thus place both parties on an equal footing before the courts and the public.
- 53. Before the declaration of an interference proper a preliminary interference will be declared, in which each party, without the name of the other party being made known to him, will be required to file a statement under oath giving a detailed history of the invention, describing its original conception, the successive experiments, the extent and charracter of use, and the various forms of embodiment, and giving, so far as practicable, the exact dates of each step in its development. This statement must be sealed up before filing, (to be opened only by the examiner of interferences,) and the name of the party filing it and the subject of the invention indicated on the envelope.

These preliminary statements shall not be open to the inspection of the opposing parties until both have been filed or until the time for filing both has expired; nor then, until they have been examined by the proper officer and found to be sufficiently definite as regards their declarations of dates.

If the party upon whom rests the burden of proof fails to file a preliminary statement, or if his statement fails to overcome the *prima* facie case made by the respective dates of application, or if it shows that he has abandoned his invention, or that it has been in public use more than two years before his application, the other party will be entitled to an immediate adjudication of the case upon the record; unless a presumption is created that his right to a patent is affected by the alleged public use of the invention, in which case the interference may be proceeded with.

If the earlier applicant fails to file a preliminary statement, no testimony will subsequently be received from him going to prove that he made the invention at a date prior to his application. The preliminary statement can in no case be used as evidence in behalf of the party making it. Its use is to determine whether the interference shall be proceeded with, and to serve as a basis of cross-examination for the other party.

If either party requires a postponement of the time for filing the pre-

liminary statements, he must present his reasons therefor, in the form of an affidavit, prior to the day previously fixed upon.

- 54. Where no testimony is taken by the applicant upon whom rests the burden of proof, or where testimony has been taken by such applicant but not by the other party during the time assigned to the latter, the case will be considered closed, and, upon motion duly made at the expiration of the time assigned to such parties respectively, may be set for hearing at any time not less than ten days thereafter.
- 55. In cases of interference appeals may be taken to the examiners-in-chief, and to the Commissioner, in the manner provided in Rule 48.
- 56. When an interference is declared, notice will be given to both parties, or to their attorneys. When one of the parties has received a patent, duplicate notices will be sent to the patentee and to his attorney of record. Where one of the parties resides abroad and has no known agent in the United States, in addition to the notice sent by mail notice may be given by publication in a newspaper of general circulation in the city of Washington once in a week for three successive weeks.
- 57. In cases of interference the party who first filed so much of his application for a patent as illustrates his invention will be deemed the first inventor in the absence of all proof to the contrary. A time will be assigned in which the other party shall complete his direct testimony; and a further time in which the adverse party shall complete the testimony on his side; and a still further time in which both parties may take rebutting testimony, but shall take no other. If there are more than two parties, the times for taking testimony shall be so arranged, if practicable, that each shall have a like opportunity in his turn, each being held to go forward and prove his case against those who filed their applications before him.
- 58. If it becomes necessary for either party to have the time for taking his testimony, or for the hearing, postponed, he must make application for such postponement, and must show sufficient reason for it by affidavit filed before the time previously appointed has elapsed, if practicable; and must also furnish his opponent with copies of his affidavits and with reasonable notice of the time of hearing his motion.
- 59. An interference will not be declared until the subject-matter involved is decided to be patentable; and when once declared it will not be dissolved without judgment of priority, unless it be found that neither party is entitled to a patent or that no interference in fact exists.

If judgment be based upon a concession of priority by either of the parties, such concession must be in writing, and under the signature of the inventor himself; and if there has been an assignment, the assignee must join in the concession.

A motion for the dissolution of an interference on the ground that it was improperly declared, if made before the taking of testimony, will be heard by the primary examiner who declared the interference.

- 60. No amendments to the specification will be received during the pendency of an interference, except as provided in section 61. A second interference will not be declared upon a new application on the same invention filed by either party during the pendency of an interference, or after judgment, nor a rehearing be granted, unless it be shown to the satisfaction of the Commissioner (in person) that the party desiring a new interference or rehearing has new and material testimony which he could not have procured in time for the hearing, or unless other sufficient reasons be shown, satisfactory to the Commissioner.
- 61. When an application is adjudged to interfere with a part only of another pending application, the interfering parties will be permitted to see or obtain copies of so much only of the specifications as refers to the interfering claims. And either party may, if he so elect, withdraw from his application the claims adjudged not to interfere, and file a new application therefor: *Provided*, That the claims so withdrawn cover inventions which do not involve the devices in interference: *And provided also*, That the devices in interference are eliminated from the new application. In such case the latter will be examined without reference to the interference from which it was withdrawn.

REISSUES.

- 62. A reissue is granted to the original patentee, his legal representatives, or the assignees of the entire interest, when by reason of a defective or insufficient specification, or by reason of the patentee claiming as his invention or discovery more than he had a right to claim as new, the original patent is inoperative or invalid, provided the error has arisen from inadvertence, accident, or mistake, and without any fraudulent or deceptive intention. In the case of patents issued and assigned prior to July 8, 1870, the application for reissue may be made by the assignee; but in the case of patents issued or assigned since that date the application must be made and the specification sworn to by the inventor, if he be living.
- 63. The petition for a reissue must be accompanied with a certified copy of the abstract of title, giving the names of all parties owning any undivided interest in the patent; and in case the application is made by the inventor, it must be accompanied with the written assent of such assignees.
- 64. The general rule is, that whatever is really embraced in the original invention, and so described or shown that it might have been embraced in the original patent, may be the subject of a reissue; but no

new matter shall be introduced into the specification, nor shall the model or drawings be amended except each by the other; but, when there is neither model nor drawing, amendments may be made upon proof satisfactory to the Commissioner that such new matter or amendment was a part of the original invention, and was omitted from the specification by inadvertence, accident, or mistake, as aforesaid.

- 65. Reissued patents expire at the end of the term for which the original patents were granted. For this reason applications for reissue will take precedence, in examination, of original applications.
- 66. A patentee, in reissuing, may at his option have a separate patent for each distinct and separate part of the invention comprehended in his original patent, by paying the required fee in each case, and complying with the other requirements of the law, as in original applications. Each division of a reissue constitutes the subject of a separate specification descriptive of the part or parts of the invention claimed in such division; and the drawing may represent only such part or parts. All the divisions of a reissue will issue simultaneously. If there be controversy as to one, the others will be withheld from issue until the controversy is ended.
- 67. In all cases of applications for reissues, the original claim, if reproduced in the amended specification, is subject to reëxamination, and may be revised and restricted in the same manner as in original applications; but if any reissue be refused, the original patent will, upon request, be returned to the applicant.

DISCLAIMERS.

68. Whenever, by inadvertence, accident, or mistake, the claim of invention in any patent is too broad, embracing more than that of which the patentee was the original or first inventor, some material or substantial part of the thing patented being truly and justly his own, the patentee, his heirs or assigns, whether of a whole or of a sectional interest, may, upon payment of the duty required by law, make disclaimer of such parts of the thing patented as the disclaimant shall not choose to claim or to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent; which disclaimer shall be in writing, attested by one or more witnesses, shall be recorded in the Patent Office, and shall thereafter be considered as part of the original specification, to the extent of the interest possessed by the claimant and by those claiming under him after the record thereof.

EXTENSIONS.

69. Power is vested in the Commissioner to extend any patent granted prior to March 2, 1861, for seven years from the expiration of the origi-2 R P

nal term; but no patent granted since March 2, 1861, can be extended. When a patent has been reissued in two or more divisions, separate applications must be made for the extension of each division.

70. The applicant for an extension must file his petition and pay in the requisite fee not more than six months nor less than ninety days prior to the expiration of his patent.

There is no power in the Commissioner to renew a patent after it has once expired. Parties are cautioned to provide for the payment of the final fee in time to allow of the certificate of extension being made out and signed before the expiration of the patent.

71. Any person who intends to oppose an application for extension must give notice of such intention to the applicant, within the time hereafter named, and furnish him with a statement of his reasons of opposition. He must also immediately file a copy of such notice and reasons of opposition, with proof of service of the same, in the Patent Office. After this he will be regarded as a party in the case, and will be entitled to notice of the time and place of taking testimony, to a list of the names and residences of the witnesses whose testimony may have been taken previous to his service of notice of opposition, and to a copy of the application and of any other papers on file, upon paying the cost of copying.

If the extension is opposed on the ground of lack of novelty in the invention, the reasons of opposition should contain a specific statement of any and all matter relied upon for this purpose.

72. The applicant for an extension must furnish to the Office a statement in writing, under oath, of the ascertained value of the invention, and of his receipts and expenditures on account thereof, both in this and foreign countries. This statement must be made particular and in detail, unless sufficient reason is set forth why such a statement cannot be furnished. It must be filed within thirty days after filing the petition.

Such statement must also be accompanied with a declaration, under oath, setting forth the extent of applicant's interest in the extension sought; and this whether there has been an actual assignment of the extension, or only a contract, either express or implied, relating to rights under the extended term.

73. The questions which arise on each application for an extension are:

First. Was the invention new and useful when patented?

Second. Is it valuable and important to the public, and to what extent? Third. Has the inventor been reasonably remunerated for the time, ingenuity, and expense bestowed upon it, and the introduction of it into use? If not, has his failure to be so remunerated arisen from neglect or fault on his part?

Fourth. What will be the effect of the proposed extension upon the public interests?

No proof will be required from the applicant upon the first question

unless the invention is assailed upon those points by opponents.

To enable the Commissioner to come to a correct conclusion in regard to the second point of inquiry, the applicant should, if possible, procure the testimony of persons disinterested in the invention, which testimony should be taken under oath. This testimony should distinguish carefully between the specific devices covered by the claims of the patent and the general machine in which those devices may be incorporated.

In regard to the third point of inquiry, in addition to his own oath, showing his receipts and expenditures on account of the invention, the applicant should show, by testimony under oath, that he has taken all reasonable measures to introduce his invention into general use; and that, without neglect or fault on his part, he has failed to obtain from the use and sale of the invention a reasonable remuneration for the time, ingenuity, and expense bestowed on the same, and the introduction of it into use.

- 74. In case of opposition to the extension of a patent by any person, both parties may take testimony, each giving reasonable notice to the other of the time and place of taking said testimony, which shall be taken according to the rules hereinafter prescribed.
- 75. Any person desiring to oppose an extension must serve his notice of opposition, and file his reasons therefor, at least ten days before the day fixed for the closing of testimony; but parties who have not entered formal opposition in time to put in testimony may, at the discretion of the Commissioner, be permitted to appear on the day of hearing, and make argument upon the record in opposition to the grant of the extension. But in such case good cause for the neglect to make formal opposition must be shown.
- 76. In contested cases no testimony will be received, unless by consent, which has been taken within thirty days next after the filing of the petition for the extension.
- 77. Service of notice to take testimony may be made upon applicant, upon the opponent, upon the attorney of record of either, or, if there be no attorney of record, upon any attorney or agent who takes part in the service of notice, or in the examination of the witnesses of either party. Where notice to take testimony has already been given to an opponent, and a new opponent subsequently gives notice of his intention to oppose, the examination need not be postponed, but notice thereof may be given to such subsequent opponent by mail or by telegraph. This rule, however, does not apply to ex parte examinations, or those of which no notice has been given when notice of opposition is served.

78. In the notice of the application for an extension a day will be fixed for the closing of testimony, and the day of hearing will also be named. Applications for a postponement of the day of hearing, or for further time for taking testimony, must be made and supported according to the same rules as are to be observed in other contested cases; but they will not be granted in such a manner as to cause a risk of preventing a decision prior to the expiration of the patent. Immediately upon the closing of the testimony the application will be referred to the examiner in charge of the class to which the invention belongs for the report required by law; and said report shall be made not less than five days before the day of hearing. As this report is intended for the information of the Commissioner, neither the parties nor their attorneys will be permitted to make oral arguments before the examiner. In contested cases briefs are deemed desirable, and these should always be filed on or before the day of hearing.

DESIGNS.

- 79. A patent for a design may be granted to any person, whether citizen or alien, who, by his own industry, genius, efforts, and expense, has invented or produced any new and original design for a manufacture, bust, statue, alto-relievo, or bas-relief; any new and original design for the printing of woolen, silk, cotton, or other fabrics; any new and original impression, ornament, pattern, print, or picture, to be printed, painted, east, or otherwise placed on or worked into any article of manufacture; or any new, useful, and original shape or configuration of any article of manufacture, the same not having been known or used by others before his invention or production thereof, or patented or described in any printed publication, upon payment of the duty required by law, and other due proceedings had the same as in cases of inventions or discoveries.
- 80. Patents for designs are granted for the term of three and one-half years, or for seven years, or for fourteen years, as the applicant may, in his application, elect.
- 81. The proceedings in applications for patents for designs are substantially the same as for other patents. The specification must distinctly point out the characteristic features of the design, and carefully distinguish between what is old and what is held to be new. The claims also should be as distinct and specific as in the case of patents for inventions or discoveries.
- 82. When the design can be sufficiently represented by drawings or photographs, a model will not be required.
- 83. Whenever a photograph or an engraving is employed to illustrate the design, it must be mounted upon a thick bristol-board or drawing

paper, ten by fifteen inches in size; and the applicant will be required to furnish ten extra copies of such photograph or engraving, (not mounted,) of a size not exceeding seven and a half inches by eleven. Negatives will no longer be required.

Whenever the design is represented by a drawing, this must be made to conform as nearly as possible to the rules laid down for drawings of

mechanical inventions.

THE ONDE - DE VERTER.

84. Any person or firm domiciled in the United States, and any corporation created by the authority of the United States, or of any State or Territory thereof, and any person, firm, or corporation resident of or located in any foreign country which, by treaty or convention, affords similar privileges to citizens of the United States, and who are entitled to the exclusive use of any lawful trade-mark, or who intend to adopt and use any trade-mark for exclusive use within the United States, may obtain protection for such lawful trade-mark by complying with the following requirements, to wit:

First. By causing to be recorded in the Patent Office the names of the parties, and their residences and place of business, who desire the

protection of the trade-mark.

Second. The class of merchandise and the particular description of goods comprised in such class, by which the trade-mark has been or is intended to be appropriated.

Third. A description of the trade-mark itself, with fac-similes thereof, and the mode in which it has been or is intended to be applied and used.

Fourth. The length of time, if any, during which the trade-mark has been used.

Fifth. The payment of a fee of twenty-five dollars, in the same manner and for the same purpose as the fee required for patents.

Sixth. The compliance with such regulations as may be prescribed by the Commissioner of Patents.

Seventh. The filing of a declaration, under the oath of the person, or of some member of the firm or officer of the corporation, to the effect that the party claiming protection for the trade-mark has a right to the use of the same, and that no other person, firm, or corporation has a right to such use, either in the identical form or having such near resemblance thereto as might be calculated to deceive, and that the description and fac-similes presented for record are true copies of the trade-mark sought to be protected.

The petition asking for registration should be accompanied with a distinct statement or specification, setting forth the length of time the trade-mark has been used, the mode in which it is intended to apply it, and the particular description of goods comprised in the class by which It has been appropriated, and giving a full description of the design proposed, particularly distinguishing between the essential and the non-

essential features thereof.

- 85. Such trade-mark will remain in force for thirty years, and may, upon the payment of a second fee, be renewed for thirty years longer, except in cases where such trade-mark is claimed for, and applied to, articles not manufactured in this country, and in which it receives protection under the laws of any foreign country for a shorter period, in which case it shall cease to have force in this country, by virtue of the registration, at the same time that it becomes of no effect elsewhere.
- 86. No proposed trade-mark will be received or recorded which is not and cannot become a lawful trade-mark, or which is merely the name of a person, firm, or corporation only, unaccompanied by a mark sufficient to distinguish it from the same name when used by other person, or which is identical with a trade-mark appropriate to the same class of merchandise and belonging to a different owner, and already registered or received for registration, or which so nearly resembles such last-mentioned trade-mark as to be likely to deceive the public; but any lawful trade-mark rightfully used at the time of the passage of the act relating to trade-marks (July 8, 1870,) may be registered.

All applications for registration are referred in the first instance to a special examiner. From an adverse decision by such examiner upon the applicant's right to registration, an appeal directly to the Commissioner will lie, no fee being charged therefor.

In case of conflicting applications for registration, the Office reserves the right to declare an interference, in order that the parties may have opportunity to prove priority of right; and the proceedings on such interference will follow, as nearly as practicable, the practice in interferences upon applications for patents.

- 87. Whenever it is necessary to represent the proposed trade-mark by a drawing or engraving, the same rule as to size, mounting, and number of extra copies will be observed as in the case of designs.
- 88. The right to the use of any trade-mark is assignable by any instrument of writing, and such assignment must be recorded in the Patent Office within sixty days after its execution, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration without notice. The fees will be the same as are prescribed for recording assignments of patents.

FOREIGN PATENTS.

89. The taking out of a patent in a foreign country does not prejudice a patent previously obtained here; nor does it prevent obtaining a patent here subsequently, unless the invention shall have been introduced into public use in the United States for more than two years prior to the application; but when a patent is taken out in this country for an invention previously patented abroad, the American patent will expire at the same time with the foreign patent, or, if there be more than one, at the

same time with the one having the shortest term; but in no case shall it be in force more than seventeen years.

- 90. When application is made for a patent for an invention which has been already patented abroad, the inventor will be required to make oath that, according to the best of his knowledge and belief, the same has not been in public use in the United States for more than two years prior to the application in this country.
- 91. An applicant whose invention has been patented abroad should state the fact that a foreign patent has actually been obtained, giving its date, and if there be more than one, the date of each.

CAVEATS.

- 92. Any citizen of the United States, or alien who has resided for one vear last past in the United States and has made oath of his intention to become a citizen thereof, can file a caveat in the secret archives of the Patent Office on the payment of a fee of ten dollars therefor. And if, at any time within one year thereafter, another person applies for a patent with which such caveat would in any manner interfere, such application will be suspended, and notice thereof will be sent to the person filing the caveat, who, if he shall file a complete application within the prescribed time, will be entitled to an interference with the previous application, for the purpose of proving priority of invention, and obtaining the patent if he be adjudged the prior inventor. The caveator, if he would avail himself of his caveat, must file his application within three months from the day on which the notice to him is deposited in the post-office at Washington, adding the regular time for the transmission of the same to him; and the day when the time for filing expires will be mentioned in the notice or indorsed thereon.
- 93. The caveator will not be entitled to notice of any application pending at the time of filing his caveat, nor of any application filed after the expiration of one year from the date of filing the caveat; but he may renew his caveat at the end of one year by paying a second caveat fee of ten dollars, which will continue it in force for one year longer, and so on from year to year as long as he may desire.
- 94. No caveat can be filed in the secret archives of the Office unless accompanied by an oath of the caveator that he is a citizen of the United States, or, if he is an alien, that he has resided for one year last past within the United States, and has made oath of his intention to become a citizen thereof; nor unless the applicant also states, under oath, that he believes himself the original and first inventor of the art, machine, or improvement set forth in his caveat.
- 95. A caveat need not contain as particular a description of the invention as is requisite in a specification; but still the description should be

sufficiently precise to enable the Office to judge whether there is a probable interference when a subsequent application is filed. A caveat, equally with an application, must be limited to a single invention or improvement.

- 96. Caveat papers cannot be withdrawn from the Office nor undergo alteration after they have once been filed; but the caveator, or any person properly authorized by him, can at any time obtain copies of the caveat papers at the usual rates. Any additional papers that may be filed must be strictly confined to the specific invention originally described.
- 97. When practicable, the caveat must be accompanied by drawings or sketches.

ASSIGNMENTS.

- 98. A patent may be assigned, either as to the whole interest or any undivided part thereof, by any instrument of writing. No particular form of words is necessary to constitute a valid assignment, nor need the instrument necessarily be sealed, witnessed, or acknowledged.
- 99. When an assignment of the whole or an undivided interest in an invention has been made and duly entered of record in the Patent Office, the patent will, upon the request of the assignee, issue directly to him; or, if he hold but a part interest, to him and the inventor jointly.
- 100. In every case where it is desired that the patent shall thus issue to an assignee, the assignment must be recorded in the Patent Office at a date not later than the day on which the final fee is paid.
- 101. When the patent is to issue in the name of the assignee, the entire correspondence will be with him or his authorized agent.
- 102. A patentee may not only assign the whole or an undivided interest in his patent, but he may grant and convey an exclusive right under his patent to the whole or any specified portion of the United States by an instrument in writing.
- 103. Every assignment or grant of an exclusive territorial right, as well as of an interest in the patent, must be recorded in the Patent Office within three months from the execution thereof; otherwise it will be void as against any subsequent purchaser or mortgagee for a valuable consideration without notice; but, if recorded after that time, it will protect the assignee or grantee against any such subsequent purchaser, whose assignment or grant is not then on record.
- 104. The patentee may convey separate rights under his patent to make or to use or to sell his invention, or he may convey territorial or shop rights which are not exclusive. Such conveyances are mere licenses, and need not be recorded.

Office. They will be recorded in their turn within a few days after their reception, and then transmitted to the persons entitled to them. A five-cent revenue stamp is required for each sheet or piece of paper on which an assignment, grant, or license may be written.

OFFICE FEES, AND HOW PAYABLE.

106. Nearly all the fees payable to the Patent Office are positively required by law to be paid in advance, that is, upon making application for any action by the Office for which a fee is payable. For the sake of uniformity and convenience, the remaining fees will be required to be paid in the same manner.

107. The following is the tariff of fees established by law: On filing every application for a design patent for three years		
and six months	dita	00
On ming every application for a design patent for seven veers	9.36	00
On ning every application for a design patent for fourteen veers	90	00
On ming every caveat	10	
On filing every application for a patent for an invention or discovery		
On issuing each original patent for an invention or discovery	15	
On filing a disclaimer	20	00
On filing every application for a reissue.	10	
On filing every application for a division of a reissue	30	00
On filing every application for an extension	30	00
On filing every application for an extension	50	00
On the grant of every extension	50	00
On filing the first appeal from a primary examiner to examiners- in-chief	7.0	0.0
On filing an appeal to the Commissioner from examiners-in-chief	10	
On depositing a trade mark for registration	20	
On depositing a trade-mark for registration		
For certified copies of drawings, the reasonable cost of making them.		10
For recording every assignment of 300 words or under	1	00
For recording every assignment, if over 300 and not over 1,000		
Words		00
For recording every assignment, if over 1,000 words	3	00
For uncertified copies of the specifications and accompanying drawings of patents issued since July 1, 1871—		
Single copies		25
Twenty copies or more, whether of one or several patents, per		
For uncertified copies of the specifications and drawings of patents issued prior to July 1, 1871, the reasonable cost of mak-		10
ing the same.		

In ordering copies of any drawing or specification, the name of the inventor and patentee, the title of the invention, and the date of the patent must be given; and for any search required in consequence of the omission of any of these data a charge of one dollar may be made. So in ordering a copy of an assignment, the liber and page of the record, as well as the name of the inventor, must be given; otherwise an extra charge will be made for the time consumed in making any search that may become necessary.

108. The final fee upon a patent must be paid within six months after the time at which the application was allowed and notice thereof mailed to the applicant or his agent. And if the final fee for such patent or a certificate of deposit for the amount be not received at the Office within that time, the patent will be forfeited, and the invention therein described will become public property, as against the applicant therefor, unless he shall make a new application within two years from the date of notice of the original allowance.

- 109. The money for the payment of fees may be paid to the Commissioner, or to the Treasurer or any of the Assistant Treasurers of the United States, or to any of the designated depositaries, national banks, or receivers of public money, designated by the Secretary of the Treasury for that purpose, who shall give the depositor a receipt or certificate of deposit therefor, which shall be transmitted to the Patent Office. When this cannot be done without much inconvenience, the money may be remitted by mail, and in every such case the letter should state the exact amount inclosed. Letters containing money may be registered. Post-office money-orders now afford a safe and convenient mode of transmitting fees. All such orders should be made payable to the "Commissioner of Patents."
- 110. All money sent by mail, either to or from the Patent Office, will be at the risk of the owner. In no case should money be sent inclosed with models. All payments to or by the Office must be paid in specie, Treasury notes, national bank notes, certificates of deposit, or post-office money-orders.

REPAYMENT OF MONEY.

.111. Money paid by actual mistake will be refunded; but a mere change of purpose after the payment of money will not entitle a party to demand such return.

STAMPS.

112. Revenue stamps must be attached as follows:

First. A stamp of the value of fifty cents is required upon each power of attorney authorizing an attorney or agent to transact business with this Office relative to an application for a patent, reissue, or extension.

Second. Every sheet or piece of paper upon which an assignment is

written must have affixed to it a stamp, properly canceled, of the value of five cents; and no assignment will be recorded, or otherwise recognized by the Office, which does not bear the proper revenue stamps.

TAKING AND TRANSMITTING TESTIMONY.

113. In interference, extension, and other contested cases the following rules have been established for taking and transmitting evidence:

First. Before the deposition of a witness or witnesses is taken by either party, due notice shall be given to the opposite party, as hereinafter provided, of the time and place when and where such deposition or depositions will be taken, with the names and residences of the witness or witnesses then and there to be examined, so that the opposite party, either in person or by attorney, shall have full opportunity to cross-examine the witness or witnesses: *Provided*, That if the opposite party or his counsel be actually present at the taking of testimony, witnesses not named in the notice may be examined, but not otherwise; and that neither party shall take testimony in more than one place at the same time, nor so nearly at the same time as not to allow reasonable time to travel from one place of examination to the other.

Second. The notice for taking testimony must be served by delivering a copy to the adverse party or his agent or attorney of record or counsel, as provided in Rule 77, or by leaving a copy at the party's usual place of residence with some member of the family who has arrived at the years of discretion; and such notice shall, with proof of service of the same, and a certificate, duly sworn to, giving the manner and time of making the service, be attached to the deposition or depositions, whether the party cross-examine or not.

Third. The magistrate before whom the deposition is taken must append thereto his certificate, stating the time and place at which it was taken, the name of the witness, the administration of the oath, at whose request the testimony was taken, the occasion upon which it is intended to be used, the names of the adverse party, (if any,) and whether they were present; and *immediately upon the close of the examination* he shall securely seal up all the evidence, &c., and forward the same *forthwith* to the Commissioner of Patents, making upon the envelope a certificate, giving the title of the case and the date of sealing and addressing the package.

Fourth. In cases of extension where no opposition is made, ex parte testimony will be received from the applicant; and such testimony as may have been taken by the applicant prior to notice of opposition will be received, unless taken within thirty days after filing the petition for the extension: Provided, That immediately upon receiving notice of opposition the applicant shall give notice to the opposing party or parties of the names and residences of the witnesses whose testimony has thus been taken.

Fifth. If either party shall be unable, for good and sufficient reasons,

to procure the testimony of a witness or witnesses within the stipulated time, it shall be the duty of said party to give notice of the same to the Commissioner of Patents, accompanied by statements under oath of the cause of such inability, and of the names of such witnesses, and of the facts expected to be proved by them, and of the steps which have been taken to procure said testimony, and of the time or times when efforts have been made to procure it; which notice to the Commissioner shall be received by him previous to the day of hearing aforesaid. Copies of the papers, and notice of any motion based upon them, must also be served upon the opposite party, as provided in Rule 50.

Sixth. Whenever a party relies upon a caveat to establish the date of his invention, the caveat itself, or a certified copy thereof, must be filed in evidence, with due notice to the opposite party, as no notice can be

taken by the Office of a caveat filed in its secret archives.

The official records of the Office, and other books and documents contained in the library, may be used at the hearing; but notice of any special matter contained therein, upon which a party relies, should be given to the opposite party previous to the day set for closing testimony.

- 114. The folios of each deposition must be numbered consecutively, and the name of the witness be plainly and conspicuously written at the top of each folio. It is deemed desirable that the testimony be taken upon legal cap paper, with a wide margin on the left-hand side of the page, and that only one side of the sheet be written upon.
- 115. The testimony may be taken in narrative form; but, if either party desires it, it must be taken in answer to interrogatories, having the questions and answers committed to writing in their regular order by the magistrate, or, unless by consent, by some person not interested in the case, either as a party thereto or as attorney. The deposition, when complete, must be signed by the witness.
- 116. No evidence touching the matter at issue will be considered upon the day of hearing which shall not have been taken and filed in compliance with these rules: but no notice will be taken of any merely formal or technical objection which shall not appear to have wrought a substantial injury to the party raising it; and in such case it should be made to appear that, as soon as the party became aware of the objection, he immediately gave notice thereof to the Office, and also to the opposite party, informing him at the same time that, unless corrected, he shall urge his objection at the hearing.
- 117. The law requires the clerks of the various courts of the United States to issue subpœnas to secure the attendance of witnesses whose depositions are desired to be read in evidence in any contested cases in the Patent Office.
- 118. In contested cases, whether of interference or of extension, parties may have access to the testimony on file prior to the hearing, in

presence of the officer in charge; and copies may be obtained by them at the usual rates.

It will greatly facilitate the examination of cases if the parties will furnish the Office with printed copies of the testimony; and this will be required in all cases where the testimony is written otherwise than in a fair and legible hand.

RULES OF CORRESPONDENCE.

- 119. All correspondence must be in the name of the "Commissioner of Patents," and all letters and other communications intended for the Office must be addressed to him. If addressed to any of the other officers of the Bureau they will not be noticed, unless it be seen that the mistake was owing to inadvertence. A separate letter should in every case be written in relation to each distinct subject of inquiry or application, the subject of the invention and the date of filing being always carefully noted.
- 120. When an agent has filed his power of attorney, duly executed, the correspondence will, in ordinary cases, be held with him only; and a double correspondence with an assignee and the inventor, or with an attorney and his principal, if generally allowed, would largely increase the labor of the Office. The assignee of an entire interest in an invention is entitled to hold correspondence with the Office to the exclusion of the inventor. If the principal becomes dissatisfied, he must revoke his power of attorney and notify the Office, which will then communicate with him.
- 121. All communications to and from the Commissioner upon official business are carried in the mail free of postage.
- 122. After a second rejection none of the papers can be inspected, save in the presence of a sworn officer; nor will any of the papers be returned to the applicant or agent.
- 123. Whenever it shall be found that two or more parties whose interests are in conflict are represented by the same attorney, the examiner in charge will notify each of said principal parties, and also the attorney, of this fact.
- 124. Aside from the caveats, which are required by law to be kept secret, all pending applications are, as far as practicable, preserved in like secrecy. No information will therefore be given those inquiring whether any particular case is before the Office, or whether any particular person has applied for a patent.
- 125. But information is given in relation to any case after a patent has issued, or after a patent has been refused, and the further prosecution of the application is abandoned or barred by lapse of time.
 - 126. The models, in such cases, are so placed as to be subject to gen-

eral inspection. The specifications and drawings in any particular case can be seen by any one having particular occasion to examine them, and copies thereof, as well as of patents granted, will be furnished at the cost of making them. Copies will be made on parchment, at the request of the applicant, on his paying the additional cost.

- 127. Even after a case is rejected the application is regarded as pending, unless the applicant allows the matter to rest for two years without taking any further steps therein, in which case it will be regarded as abandoned, and will no longer be protected by any rule of secrecy. The specification, drawings, and model will then be subject to inspection in the same manner as those of patented or withdrawn applications.
- 128. Information in relation to pending cases is given so far as it becomes necessary in conducting the business of the Office, but no further. Thus, when an interference is declared between two pending applications, each of the contestants is entitled to a knowledge of so much of his opponent's case as to enable him to conduct his own understandingly.
- 129. The Office cannot respond to inquiries as to the novelty of an alleged invention in advance of an application for a patent, nor to inquiries founded upon brief and imperfect descriptions, propounded with a view of ascertaining whether such alleged improvements have been patented, and if so, to whom; nor can it act as an expounder of the patent law, nor as counselor for individuals, except as to questions arising within the Office. A copy of the rules, with this section marked, sent to the individual making an inquiry of the character referred to, is intended as a respectful answer by the Office.
- 130. All business with the Office should be transacted in writing. Unless by the consent of all parties, the action of the Office will be based exclusively on the written record. No attention will be paid to any alleged verbal promise or understanding in relation to which there is any disagreement or doubt.

ATTORNEYS.

131. Any person of intelligence and good moral character may appear as the agent or the attorney in fact of an applicant, upon filing a proper power of attorney. As the value of patents depends largely upon the careful preparation of the specification and claims, the assistance of competent counsel will, in most cases, be of advantage to the applicant, but the value of their services will be proportioned to their skill and honesty. So many persons have entered this profession of late years without experience that too much care cannot be exercised in the selection of a competent man. The Office cannot assume responsibility for the acts of attorneys, nor can it assist applicants in making a selection. It will, however, be a safe rule to distrust those who boast

of the possession of special and peculiar facilities in the Office for procuring patents in a shorter time or with more extended claims than others.

- 132. Powers of attorney to authorize the attorney to substitute for, or associate with, himself a second agent, must contain a clause of substitution; but such powers will not authorize the second agent to appoint a third.
- 133. A power of attorney must be filed in every case, both by original and associate attorneys, before such attorney will be allowed to inspect papers or take action of any kind; but a revenue stamp need not be affixed to substitute powers.
- 134. Attorneys will be expected to conduct their business with the Office with decorum and courtesy. For gross misconduct the Commissioner may refuse to recognize any person as a patent agent, either generally or in any particular case; and for lesser offenses attorneys may be refused the privilege of oral interviews, and be required to transact all business with the Office in writing.
- 135. As members of Congress cannot examine cases, or act in them without regular powers of attorney, and as cases cannot be taken up out of their regular order upon their request, and as the delay in transmitting papers to and from the Capitol involves a loss of time, which would be avoided by communicating directly with the Office, applicants are recommended not to add to the sufficiently arduous duties of their Representatives by ordering copies or attempting to transact business with the Office through them.

LIBRARY.

136. No persons are allowed to take books from the library except those employed in the Office.

All books taken from the library must be entered in a register kept for the especial purpose, and returned on the call of the librarian.

Any book lost or defaced must be replaced by another.

Patentees and others doing business with the Office can examine the books only in the library hall.

All translations will be made at the usual rates by the Office.

No person will be allowed to make copies or tracings from works in the library. Such copies will be furnished at the usual rates.

M. D. LEGGETT,

Commissioner.

Approved:
C. Delano,
Secretary of the Interior

NOTE.—The following is the text of the supplemental act relating to patents approved March 3, 1871, and referred to above:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that part of section thirty-three of an act entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights," approved July eight, eighteen hundred and seventy, which requires that, in case of application by assignee or assignees for reissue of letters-patent, the application shall be made and the specification sworn to by the inventor or discoverer, if living, shall not be construed to apply to patents issued and assigned prior to July eight, eighteen hundred and seventy.

Approved, March 3, 1871.

APPENDIX OF FORMS.

PETITIONS.

1. BY A SOLE INVENTOR.

To the Commissioner of Patents:

Your petitioner, a resident of Smithville, North Carolina, prays that letters patent may be granted to him for the invention set forth in the annexed specification.

JOHN SMITH.

2. By Joint inventors.

To the Commissioner of Patents:

Your petitioners, residing respectively in Chicago, Illinois, and Auburn, New York, pray that letters patent may be granted to them, as joint inventors, for the invention set forth in the annexed specification.

JOHN SMITH.
THOMAS BROWN.

3. BY AN INVENTOR, FOR HIMSELF AND AN ASSIGNEE.

To the Commissioner of Patents:

Your petitioner, a resident of Concord, New Hampshire, prays that letters patent may be granted to himself and Joel Thomas, of Akron, Ohio, as his assignee, for the invention set forth in the annexed specification, the assignment to the said Joel Thomas having been duly recorded in the Patent Office, in Liber T ¹⁴, page 21.

JAMES GREENFIELD.

4. BY AN ADMINISTRATOR.

To the Commissioner of Patents:

Your petitioner, William Davis, of Bath, Maine, administrator of the estate of George Owen, deceased, (as by reference to the duly certified copy of letters of administration, hereto annexed, will more fully appear,) prays that letters patent may be granted to him for the invention of the said George Owen, set forth in the annexed specification.

WILLIAM DAVIS, Administrator, &c.

5. BY AN EXECUTOR.

To the Commissioner of Patents:

Your petitioner, Samuel Wilson, of Somerville, Massachusetts, executor of the last will and testament of Henry Somers, deceased, (as by 3 R P

reference to the duly certified copy of letters testamentary, hereto annexed, will more fully appear,) prays that letters patent may be granted to him for the invention of the said Henry Somers, set forth in the annexed specification.

SAMUEL WILSON, Executor, &c.

6. FOR A REISSUE, (BY THE INVENTOR.)

To the Commissioner of Patents:

Your petitioner, of New Orleans, Louisiana, prays that he may be allowed to surrender the letters patent for an improvement in coalscuttles, granted to him May 16, 1867, whereof he is now sole owner, [or, "whereof Henry Bates, on whose behalf and with whose assent this application is made, is now sole owner, by assignment,"] and that letters patent may be reissued to him, [or, "the said Bates,"] for the same invention, upon the annexed amended specification. Accompanying this petition is an abstract of title, duly certified, as required in such cases.

RICHARD JONES.

7. FOR A REISSUE, (BY ASSIGNEE.)

(To be used only when the inventor is dead, or the original patent was issued and assigned prior to July 8, 1870.)

To the Commissioner of Patents:

Your petitioners, of the city of Washington, District of Columbia, pray that they may be allowed to surrender the letters patent for an improvement in coal-scuttles, granted May 16, 1867, to Richard Jones, now deceased, whereof they are now owners, by assignment, of the entire interest, and that letters patent may be reissued to them for the same invention, upon the annexed amended specification. Accompanying this petition is an abstract of title, duly certified, as required in such cases.

JOHN TOWERS.
ARCHIBALD SOMERS.

8. FOR AN EXTENSION, (BY A PATENTEE.)

To the Commissioner of Patents:

Your petitioner, now residing at Albion, Orleans County, New York, prays that the letters patent No. 12841, for an improvement in steamengines, granted to him August 17, 1853, may be extended for seven years from and after the expiration of the original term.

JAMES JOHNSON.

9. FOR AN EXTENSION, (BY AN ADMINISTRATOR.)

To the Commissioner of Patents:

Your petitioner, Thomas Twitcher, of Pittsburg, Pennsylvania, administrator of the estate of Timothy Tweedle, deceased, (as by ref-

erence to the duly certified copy of letters of administration, hereto annexed, will more fully appear,) residing at Pittsburg, Alleghany County, Pennsylvania, prays that letters patent No. 12842, for an improvement in stoves, granted to said Timothy Tweedle, August 24, 1853, may be extended for seven years from and after the expiration of the original term.

THOMAS TWITCHER, Administrator.

10. FOR LETTERS PATENT FOR A DESIGN.

To the Commissioner of Patents:

Your petitioner, residing in New Haven, Connecticut, prays that letters patent may be granted to him for the term of three and one-half years [or "seven years," or "fourteen years"] for the new and original design set forth in the annexed specification.

THOMAS TASTY.

11. FOR THE REGISTRATION OF A TRADE-MARK.

To the Commissioner of Patents:

Your petitioners respectfully represent that the firm of Scott, Newman & Company, is engaged in the manufacture of woven fabrics at Fall River, Massachusetts, and at Providence, Rhode Island, and that the said firm is entitled to the exclusive use upon the class of goods which they manufacture of the trade-mark described in the annexed statement or specification [and accompanying fac-simile.]

They therefore pray that they may be permitted to obtain protection for such lawful trade-mark under the law in such cases made and provided.

SCOTT, NEWMAN & CO., By MARTIN SCOTT.

12. FOR THE RENEWAL OF AN APPLICATION.

To the Commissioner of Patents:

Your petitioner represents that on May 8, 1868, he filed an application for letters patent for an improvement in churns, which application was allowed July 7, 1868, but that he failed to make payment of the final fee within the time allowed by law. [Or, "which application has been rejected but has not been abandoned."] He now makes renewed application for letters patent for said invention, and prays that the original specification, oath, drawings, and model may be used as a part of this application.

SIMON SLOTHFUL.

13. PETITION WITH POWER OF ATTORNEY.

To the Commissioner of Patents:

Your petitioner, a resident of the city of Washington, District of Columbia, prays that letters patent may be granted to him for the invention

set forth in the annexed specification; and he hereby appoints Solomon Sharp, of the city of Washington, District of Columbia, his attorney, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith.

PETER PENDENT.

[Fifty-cent revenue stamp.]

14. POWER OF ATTORNEY.

If the power of attorney be given at any time other than that of making application for patent, it will be in substantially the following form:

To the Commissioner of Patents:

The undersigned having, on or about the 20th day of July, 1859, made application for letters patent for an improvement in a horse-power, hereby appoints Lawrence Legal, of the city of Washington, District of Columbia, his attorney, with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith.

Signed at Brooklyn, county of Kings, and State of New York, this 27th day of July, A. D. 1869.

CHARLES CAUTIOUS.

[Fifty-cent revenue stamp.]

t revenue stamp.

15. REVOCATION OF POWER OF ATTORNEY.

The undersigned having, on or about the 26th day of December, 1867, appointed Thomas Tardy, of the city and State of New York, his attorney to prosecute an application for letters patent, made on or about the 1st day of June, 1868, for an improvement in the running-gear of wagons, hereby revokes the power of attorney then given.

Signed at Richmond, Virginia, this 21st day of July, 1869.

RALPH WHITMAN.

SPECIFICATIONS.

16. FOR A MACHINE.

Specification describing certain improvements in planing machines, invented by William Woodworth, of Poughkeepsie, in the county of Dutchess and State of New York.

The first part of my invention relates to the combination of rotary cutters and feeding-rollers, in such a manner that the said feeding-rollers shall be capable of feeding the lumber to the cutters, and also of effectually resisting the tendency of the cutters to draw the lumber upward toward them; the object of this part of my invention being to reduce the lumber operated upon to a uniformity of thickness, and to give it a planed and even surface upon one side thereor.

The second part of my invention relates to the combination, with feeding-rollers and rotary cutters, for planing one of the principal surfaces of the lumber, of rotary machine cutters so as to form a tongue or groove, or both, upon the edge or edges of the lumber, at the same time that one of its principal surfaces is planed.

Figure 1 is a side elevation of a machine embodying my invention.

Figure 2 is a plan of the same.

Figure 3 is an elevation showing that end of the machine which is at the right hand in Figure 1.

Figure 4 is a vertical transverse section, showing those parts of the machine which are at the right hand of the line xx drawn across Figures 1 and 2.

A is the frame of the machine, which frame should be substantially constructed to resist the vibrations of the operating parts. B is the driving-pulley, which is hung on the main shaft C of the machine, from which latter motion is communicated to the operating parts. D is the shaft of the rotary cutters by which the lumber is planed. This shaft is made flat upon two of its sides, between its bearings, for the reception of the cutters E E, which are firmly secured to it by bolts a a, the holes through these cutters for the reception of these bolts being elongated in the direction of the width of the cutters to allow the necessary adjustment of the cutters. The shaft D is hung in adjustable bearings, by which it may be elevated and depressed to regulate the thickness of the planed lumber. F is a pulley on the shaft D, which receives motion by belt G, from the band-wheel H, on the driving-shaft. II and JJ are the feeding-rollers, each pair of which is connected by. finger pinions b b, and the upper roller of each pair is hung in spring bearings which allow it to yield slightly upward to pressure, to adapt it to any differences or inequalities in the thickness of the lumber. The lower roller of each pair is provided with a worm wheel c, which meshes into a worm or endless screw d on the shaft k, which is propelled by a bevel wheel l on the main shaft, working into the bevel wheel f on the shank k.

L and M are cutters hung upon vertical shafts N and O, one set of these cutters being adapted to form a groove, and the other to form a tongue upon the edge of the board to be operated upon. These cutters are attached to the shafts in the manner already described with relation to the cutters E E.

The shafts N and O are provided with pulleys g g, and rotation is communicated to them by belts h h, from pulleys i i, on the main shaft; rotation being given in the direction of the arrow to the driving-pulley.

The lumber to be planed is introduced from the end of the machine, which is shown at the right hand in figures 1 and 2, and being grasped by the rollers I I, is by them drawn forward to the cutters E E, which being rapidly revolved towards the advancing lumber, plane it to the proper thickness; and as the lumber continues to advance, it is grasped

by the rollers J J, which aid in the feeding motion and discharge the board after it has passed the cutters. The upper rollers I and J, being hung in spring bearings, always exert a pressure on the top of the board, and thus prevent its being raised up by the action of the cutters E E.

When the lumber is designed for floors or ceilings, or other purpose for which it is required to be matched, a tongue is formed upon one edge of it and a groove in the other by the cutters L and M, which both revolve toward the advancing board; and these operations are performed at the same time that the upper surface of the board is planed, the whole being done at a single operation.

When the lumber is required to be matched, it should be first reduced to a uniform width, and guided in its introduction into the machine by

a gauge P attached to the bed Q of the machine.

When the lumber is not to be matched, this gauge and the cutters L and M should be taken off and dispensed with.

I make no claim to the mode in which the cutters are secured upon their shaft, nor to the adjustable bearings which permit of the elevation or depression of the shaft, for I am aware that these are not new; but I claim as my invention—

I. The combination of the cutters E E and the feeding-rollers I I and J J, substantially as and for the purpose hereinbefore set forth.

2. The combination with the cutters E E and feeding-rollers I I and J J, of the cutters L and M, substantially as and for the purpose hereinbefore set forth.

WILLIAM WOODWORTH.

Witnesses: Jethro Wood.
Oliver Evans.

17. FOR A PROCESS.

Specification describing an improved process of separating smut and other impurities from wheat, invented by Marion Ellsworth, of Chicago, county of Cook, and State of Illinois, and Joseph R. Shaw, of Indianapolis, county of Marion, and State of Indiana.

Take of lime, newly slaked, and while yet warm, one and a half pounds to each one hundred pounds of wheat. Mix the lime well with the wheat, let it stand one hour, then pass it through a smut-mill in the usual way, and it will be found that all the lime, smut, dirt, and other impurities attached to the wheat, of every kind, and which no smut-mill, without my liming process, will fully separate, will be entirely removed, and the flour will be as white and as sweet as though made from the best of wheat.

We are aware that lime has before been used for the purpose of cleaning wheat, being first mixed with the grain as above proposed and the whole being then passed through a smut-mill; but in all previous processes, so far as we are aware, the lime has been used in a cold state;

and for this reason they have proved ineffectual. We propose to take lime newly slaked and while yet warm.

We claim as our invention the process of cleaning wheat by mixing with it lime newly slaked and warm before passing it through a smutmill, so as to cleanse the wheat from all impurities, substantially as described.

MARION ELLSWORTH.
JOSEPH R. SHAW.

Witnesses: Maurice Jones.
Henry Elias.

18. For a composition of matter.

Specification describing a certain compound, called "wool oil," invented by Benjamin Browning, deceased, late of Charleston, in the district of Charleston, and State of South Carolina, to be used instead of lard, rape-seed, or other oils, in the manufacture of wool.

The nature of the invention of the said Browning consists in mixing olive, lard, or rape-seed oil with a solution of oil of soap dissolved in hot water.

To prepare the wool oil, take a quantity of oil soap of any kind, provided the quality be good, and dissolve the same in hot water, say about thirty pounds of oil soap to thirty gallons of water, or a sufficient quantity of soap to saturate the water. Then take equal parts, by measure, of olive, lard, rape-seed, or any other kind of oil which can be used on wool in the process of its manufacture, and mix it with the preparation aforesaid, to wit, the soap solution, which, after such mixture, is ready to be used on the wool with as beneficial an effect as if pure oil only had been used. This wool oil will not decompose by age, because the oil of soap neutralizes the stearine in the oil; hence there is nothing to decompose. And for the same reason spontaneous combustion cannot be produced.

I claim, as the invention of the said Benjamin Browning, a compound composed of any of the oils ordinarily used on wool in its manufacture, and a solution of oil soap, substantially in the proportions and for the purposes set forth.

EBENEZER WHITNEY,

Administrator.

Witnesses: John M. Thompson.

ARTHUR BARTON.

19. FOR A DESIGN.

Specification describing a design for carpets invented by Thomas Tasty, of New Haven, in the county of New Haven and State of Connecticut.

The nature of my design is fully represented in the accompanying photographic illustration, to which reference is made.

A represents a portion of the body of the carpet, and B a portion of

the border. The body may be ornamented with any figures that may be selected; but the border consists of three parallel stripes, the middle one wide, and the other two narrow. Along the middle stripe of the border run two angular bars crossing each other and intertwining as shown, while the narrow stripes are ornamented with rows of spots, arranged in groups of three so as to form triangles.

I prefer to make the middle stripe white and the side stripes red, while the intertwining bars are of gold and green; but I do not consider

the colors selected to be an essential element in my design.

I am aware that carpet borders composed of a wide central stripe and two narrow side stripes are not new, and I do not claim them. The distinctive character of my design is found in the figures which are wrought into a border thus composed of stripes.

What I claim as my invention is a design for a carpet in which the border is composed of stripes ornamented substantially in the manner above described.

20. FOR A TRADE-MARK.

Specification describing a trade-mark for cotton sheetings, used by Scott, Newman & Co., of Fall River, Massachusetts.

Our trade-mark consists of the words and letters "S. N. & Co.'s Excelsior Sheetings." These have generally been arranged as shown in the accompanying drawing—above and below the figure of a man represented as ascending the side of a mountain and carrying a banner, upon which is inscribed the word "Excelsior;" and the whole has been inclosed within an ornamental border, substantially like that shown in the drawing. But the figure of the man with the banner may be omitted, or some other device substituted for it, and the border may be changed at pleasure, or omitted altogether, without materially changing the character of our trade-mark, the two essential features of which are the letters "S. N. & Co.'s," and the word "Excelsior."

This trade-mark we have used in our business for ten years last past. The particular goods upon which we have used it are made of cotton, and known as "sheetings;" and we have been accustomed to print it in blue ink upon the outside of each piece of the manufactured goods. We have also printed it upon labels, which have afterward been pasted upon the separate pieces of sheetings, and also placed upon the outside of the cases in which the goods have been packed.

SCOTT, NEWMAN & Co., By MARTIN SCOTT.

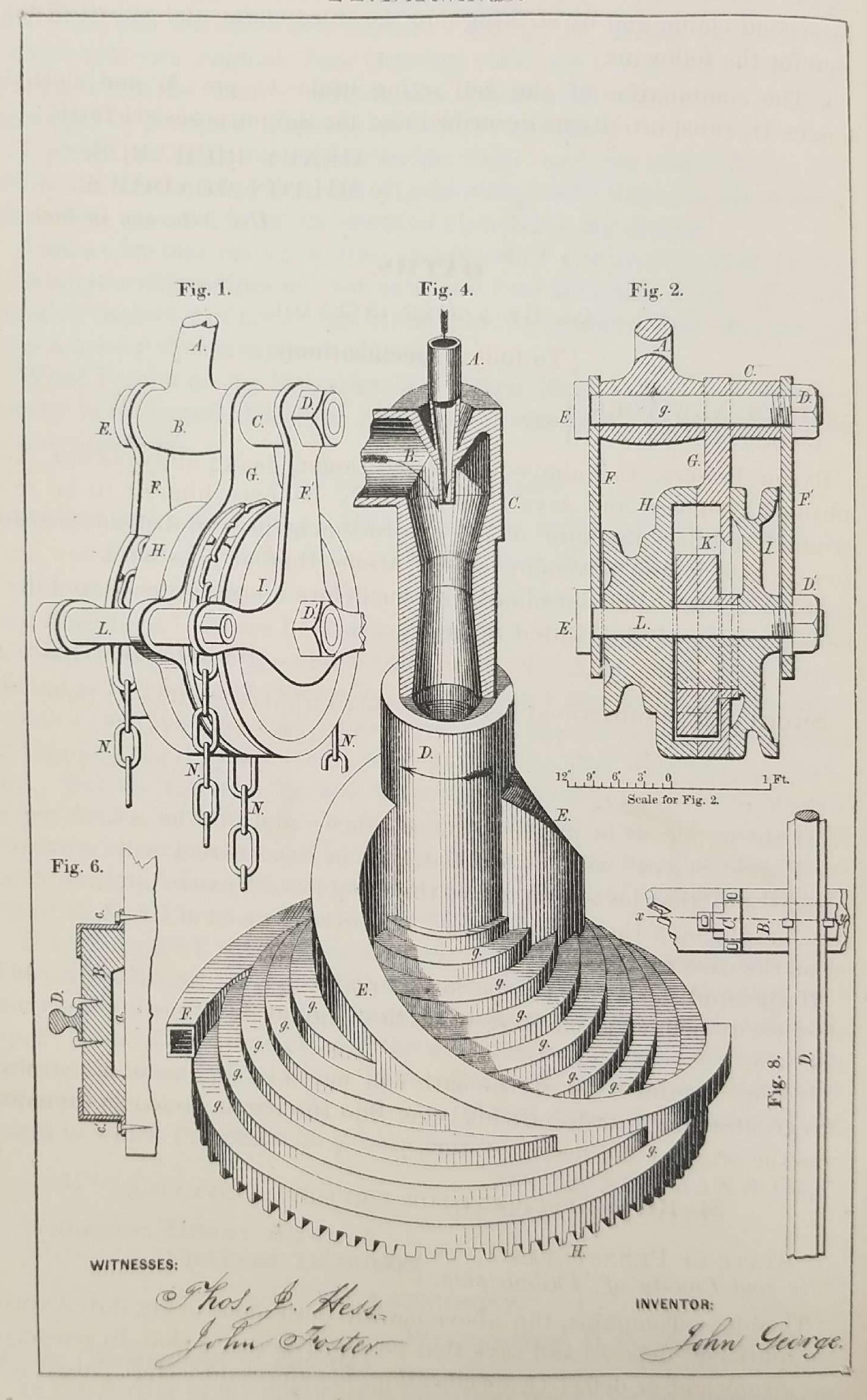
Witnesses: Henry Newman.
Charles Thompson.

21. AMENDMENT.

To the Commissioner of Patents: Washington, D. C., July 20, 1869.

In the matter of my application for letters patent for an improvement in wagon brakes, I hereby amend my specification by striking out all





between the ninth and twentieth lines, inclusive, on page 3; by inserting the words "connected with" after the word "and," in the first line of the second claim, and by striking out the third claim and substituting therefor the following:

3. The combination of the self-acting brake C, pin A, and slotted flanges D, substantially as described and for the purposes set forth.

HENRY RICHARDS,
By MILTON MEADOWS,
His Attorney in fact.

OATHS.

23. BY A SOLE INVENTOR.

(To follow specification.)

STATE OF NEW YORK, \\ County of Albany, \\\ \} 88:

Byron Rogers, the above-named petitioner, being duly sworn, (or affirmed,) deposes and says that he verily believes himself to be the original and first inventor of the improvement in seed drills described and claimed in the foregoing specification; that he does not know and does not believe that the same was ever before known or used; and that he is a citizen of the United States.

BYRON ROGERS.

Sworn to and subscribed before me this 13th day of March, 1869.

SIMON SHALLOW,

Justice of the Peace.

[If the applicant be an alien, the sentence "and that he is a citizen of the United States" will be omitted, and in lieu thereof will be substituted "and that he is a citizen of the republic of Mexico," or, "and that he is a subject of the King of Italy," or, "of the Queen of Great Britain," or as the case may be.

If the applicants claim to be joint inventors, the oath wlll read "that they verily believe themselves to be the original, first, and joint invent-

ors," &c.

If the inventor be dead, the oath will be taken by the administrator or executor, and will declare his belief that the party named as inventor was the original and first inventor.]

24. BY AN APPLICANT FOR A REISSUE, (INVENTOR.)

STATE OF PENNSYLVANIA, City and County of Philadelphia, \\ 88:

Thaddeus Tompkins, the above-named petitioner, being duly sworn, (or affirmed,) deposes and says that he verily believes that, by reason of an insufficient or defective specification, his aforesaid letters patent are inoperative or invalid; that the said error has arisen from inadvertence,

accident, or mistake, and without any fraudulent or deceptive intention. to the best of his knowledge and belief; that he is the sole owner of said letters patent; [or, "that Henry Bates is the sole owner of said letters patent, and that this application is made on the behalf and with the consent of said Bates; and that he verily believes himself to be the first and original inventor of the improvement set forth and claimed in this amended specification.

THADDEUS TOMPKINS.

Sworn to and subscribed before me this 26th day of July, 1869. CHARLES CANDID. Notary Public.

[Notarial seal.]

25. BY AN APPLICANT FOR A REISSUE, (ASSIGNEE.)

(To be used only when the inventor is dead, or when the patent was issued and assigned prior to July 8, 1870.)

STATE OF VIRGINIA, \ 88:

Martin Halsted and Norris Brown, the above-named petitioners, being duly sworn, (or affirmed,) depose and say they verily believe that, by reason of an insufficient specification, the aforesaid letters patent granted to Amos Mygatt are inoperative; that the said error has arisen from inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, to the best of their knowledge and belief; that the entire title to said letters patent is vested in them; and that they verily believe the said Amos Mygatt to be the first and original inventor of the invention set forth and claimed in the foregoing amended specification; and that the said Amos Mygatt is now deceased.

MARTIN HALSTED. NORRIS BROWN.

Sworn to and subscribed before me this 14th day of November, 1869. MORRISON WHITE, Alderman and Justice of the Peace ex officio.

26. BY AN APPLICANT FOR EXTENSION, (PATENTEE.)

STATE OF NEW YORK, \ County of Ontario, \ \ 88:

Edward Monroe, the above-named applicant, being duly sworn, (or affirmed,) deposes and says that the foregoing statement and account by him signed is correct and true in all respects and particulars, to the best of his knowledge and belief.

EDWARD MONROE.

Sworn to and subscribed before me this 1st day of November, A. D. 1868.

> PAUL PLACID, Justice of the Peace.

27. BY AN APPLICANT FOR AN EXTENSION, (EXECUTOR.)

UNITED STATES OF AMERICA, \\ Northern District of Ohio, \\ \} 88:

Roger Bacon, executor of the last will and testament of Simon Newcome, deceased, being duly sworn, (or affirmed,) deposes and says that the foregoing statement and account by him subscribed is correct and true in all respects and particulars, to the best of his information, knowledge, and belief.

ROGER BACON, Executor, &c.

Sworn to and subscribed before me this 20th day of May, 1869.

WILLIAM BLACKSTONE,

U. S. Commissioner for the Northern District of Ohio.

28. SUPPLEMENTAL OATH TO ACCOMPANY A NEW OR AN ENLARGED CLAIM.

STATE OF NEW YORK, \ ss:

Byron Rogers, whose application for letters patent for an improvement in seed-drills was filed in the United States Patent Office on or about the 15th day of March, 1869, being duly sworn, (or affirmed,) deposes and says that in addition to the claims originally made, he verily believes himself to be the original and first inventor of the improvement as described and claimed in the foregoing amendment; and that he does not know and does not believe that the same was ever before known or used.

BYRON ROGERS.

Sworn to and subscribed before me this 11th day of July, 1870.

CHARLES FAULKNER,

Justice of the Peace.

29. OATH OF ADMINISTRATOR TO LOSS OF LETTERS PATENT.

STATE OF MASSACHUSETTS, \\ Ss: County of Suffolk,

Charles Careful, of said county, being duly sworn, doth depose and say that he is administrator of the estate of Henry Miner, deceased, late of Boston, in said county; that the letters patent No. 12219, granted to said Henry Miner, and bearing date on the 9th day of January, A. D. 1855, have been lost or destroyed, as he verily believes; that he has made diligent search for the said letters patent in all places where the same would probably be found, if existing, and especially among the papers of the decedent; and that he has not been able to find said letters patent.

CHARLES CAREFUL,

Administrator, &c.

Subscribed and sworn to before me this 5th day of October, 1868.

PETER PLACID,

Justice of the Peace.

30. OF APPLICANT FOR REGISTRATION OF A TRADE-MARK.

COMMONWEALTH OF MASSACHUSETTS, } 88:

Personally appeared before me, a justice of the peace, the abovenamed Martin Scott, who, being duly sworn, deposes and says that he is a member of the firm of Scott, Newman & Co., above named; that said firm has the right to the use of the trade-mark described in the foregoing specification, and that no other person, firm, or corporation has the right to such use, either in the identical form or having such near resemblance thereto as might be calculated to deceive; and that the description and fac-simile presented for record are true copies of the trade-mark sought to be protected.

MARTIN SCOTT.

Sworn to and subscribed before me this 15th day of July, 1870.

JOHN JURAT,

Justice of the Peace.

APPEALS.

31. FROM THE EXAMINER TO THE EXAMINERS-IN-CHIEF.

To the Commissioner of Patents:

Sir: I hereby appeal to the examiners-in-chief from the decision of the principal examiner in the matter of my application for letters patent for an improvement in wagon-brakes, which, on the 20th day of July, 1869, was rejected the second time. The following are assigned for reasons of appeal: (Here follow the reasons.)

LEMUEL LOOKUP.

32. From the examiner in charge of interferences to the examiners-in-chief.

To the Commissioner of Patents:

SIR: I hereby appeal to the examiners-in-chief from the decision of the principal examiner in charge, in the matter of the interference between my application for letters patent for improvement in sewing machines, and the letters patent of Elias Coleman, in which priority of invention was awarded to said Coleman. The following are assigned for reasons for appeal: (Here follow reasons.)

WILLIAM SYPHAX.

33. FROM THE EXAMINERS-IN-CHIEF TO THE COMMISSIONER.

To the Commissioner of Patents:

Sir: We hereby appeal to the Commissioner in person from the decision of the examiners-in-chief, in the matter of our application for tracaisars of letters patent for an improvement in cotton presses, granted to Anthony Bowen, May 18, 1865. The following are assigned for reasons of appeal: (Here follow reasons.)

WILLIAM MARTIN. OLAUDIUS JENKINS. 34. FROM THE COMMISSIONER TO THE SUPREME COURT OF THE DIS-TRICT OF COLUMBIA.

WASHINGTON, D. C., July 20, 1871.

To the Supreme Court of the District of Columbia, in banc:

The petition of George Thompson, of Boston, in the county of Suffolk, and State of Massachusetts, respectfully showeth: That he has heretofore invented a new and useful improvement in velocipedes; that on or about the 1st day of May, 1870, he applied to the Patent Office of the United States for a patent for the same, [or for the reissue of a patent granted therefor under date of June 10, 1862,] and complied with the requirements of the several acts of Congress, and with the rules of the Patent Office prescribed in such cases; that his said application was rejected by the Commissioner of Patents on appeal to him on or about June 20, 1871; that he has filed in said Office due notice to the Commissioner of Patents of this his appeal, accompanied with the reasons of appeal; and that the Commissioner has furnished him with complete copies of all the original papers and evidence in the case, all of which, together with a copy of the reasons of appeal, accompany this petition and are to be taken as a part hereof.

And the said George Thompson prays that his said appeal may be heard and determined by your honorable court at such early time as may be appointed for that purpose; and that the Commissioner of Patents may be duly notified of the same, and directed in what manner to give notice thereof to the parties interested.

GEORGE THOMPSON.

To the Commissioner of Patents:

George Thompson, of Boston, in the county of Suffolk and State of Massachusetts, hereby gives notice that he has appealed from your decision, rendered on or about the 20th day of June, 1871, rejecting his application for a patent [or for a reissue of a patent granted to him June 10, 1862] for an improvement in velocipedes, and of this you are respectfully requested to take notice.

And the said George Thompson assigns the following reasons for appealing from the said decision of the Commissioner of Patents, viz:

(Here follow reasons, which should be full and explicit, and constitute a brief of the appellant's argument.)

GEORGE THOMPSON.

- 35. Rules of the supreme court in appeals from the commissioner of patents, adopted november 30, 1870.
- 1. The appellant's petition shall be addressed to the court, and shall be substantially as follows:
- "To the Supreme Court of the District of Columbia in bane, ——, 187-.

"The petition of _____, a citizen of ____, in the [State, Territory, District, of ----, respectfully shows as follows:

"a. About the —— day of ——, 18—, I invented [describe the subject of the desired patent in the identical words of the application to the Patent Office.

"b. On the —— day of ——, 18—, in the manner prescribed by law. I presented my application to the Patent Office, praying that a patent

be issued to me for said invention.

"c. Such proceedings were had in said Office, upon said application, that on the ____ day of ____, 18__, it was rejected by the Commissioner of Patents.

"d. I thereupon appealed to this court, and gave notice thereof to the Commissioner and filed in his Office the following reasons for said

appeal:

"e. The Commissioner of Patents has furnished me a complete copy of all the proceedings in his Office upon my said application, which copy has been filed herewith, and is to be taken as part hereof.

"f. And thereupon I pray that the court do revise and reverse said

decision, to the end that justice may be done in the premises.

2. This petition shall be filed in the clerk's office of this court, and as soon as the petitioner has made the deposit required by law at the commencement of suits in this court, or said deposit has been dispensed with, the clerk shall enter the case in a docket to be provided by him for the purpose, and in which a brief of said filing and of all subsequent proceedings in the case shall be entered as and when they successively occur, down to and including the final decision.

3. The clerk shall provide a minute book of his office, in which he shall record every order, rule, judgment, or decree of the court in each case, in the order of time in which said proceedings occur. And of this book there shall be two alphabetical indexes, one showing the name of the party applying for the patent, and the other designating the invention by its subject-matter, or name.

4. The cases in the docket of causes shall be successively numbered from No. 1, onward, and each case shall also be designated by the num-

ber assigned to it on the records of the Patent Office.

5. This docket shall be called for the trial of the cases thereon on the first day of each session of this court in general term, provided the petition has been filed ten days before the commencement of the term.

6. The opinions of the court, when written, shall be kept by the clerk in the order of their delivery in a temporary book-file, indexed; and when so many have been delivered as will make a volume of convenient size he shall cause them to be bound.

7. The clerk shall furnish to any applicant a copy of any paper in any

of said appeals on payment of the lawful fees.

s. Hearings of said appeals shall be subject to the rules of the court

provided for other causes therein.

9. When the testimony of the Commissioner, or of any examiner, touching the principles of the invention in question shall be deemed necessary, it shall be taken orally in open court, unless otherwise ordered by the court. And, in such case, the court may order it to be reduced to writing, and filed or entered on its minutes, if it think proper.

10. The final judgment or order of the court shall not recite any of the facts made to appear in the case, but shall be to the following

effect:

Office, [and upon the testimony of the Commissioner of Patents,] [of one of the examiners] [touching the principles of the invention,] and having been argued by [counsel for] the petitioner and [for] the Commissioner:

"It is thereupon ordered and adjudged that the [petition be dismissed] [Commissioner do issue to the petitioner a patent,] [as prayed,] [granting the petitioner (so and so.)]

"And that the clerk of this court transmit to the Commissioner of

Patents a copy of this decree, duly authenticated."

36. DISCLAIMER.

To the Commissioner of Patents:

Your petitioner, Ichabod Willis, of St. Louis, county of St. Louis, and State of Missouri, represents that he has, by grants duly recorded in the United States Patent Office, (liber —, p —,) become the owner of an exclusive right within and for the several States of Maine, New Hampshire, and Vermont, to make, use, and vend to others to be used, a certain improved mechanical movement, for which letters patent of the United States were granted to Jeremiah Ingersoll, of Albany, in the county of Albany, and State of New York, April 1, 1869; that he has reason to believe that, through inadvertence, accident, or mistake, the specification and claim of said letters patent are too broad, including that of which said patentee was not the first inventor. Your petitioner, therefore, hereby enters his disclaimer to that part of the claim in said specification which is in the following words, to wit:

"I also claim the sleeves A B, having each a friction cam C, and connected, respectively, by means of chains or cords K L and M N, with an oscillatory lever, to operate substantially as herein shown and described."

ICHABOD WILLIS.

Witness: HENRY OAKLAND.

37. CAVEAT.

The petition of Frank Foresight, of Brandenburg, in the county of Meade, and State of Kentucky, respectfully represents:

That he has made certain improvements in velocipedes, and that he is now engaged in making experiments for the purpose of perfecting the same, preparatory to applying for letters patent therefor. He there fore prays that the subjoined description of his invention may be filed as a caveat in the confidential archives of the Patent Office.

FRANK FORESIGHT.

Specification.

The following is a description of my newly-invented velocipede, which is as full, clear, and exact as I am able at this time to give, reference being had to the drawing hereto annexed.

This invention relates to that class of velocipedes in which there are two wheels connected by a beam forming a saddle for the rider, the feet

being applied to cranks that revolve the front wheel.

The object of my invention is to render it unnecessary to turn the front wheel so much as heretofore, and at the same time to facilitate the turning of sharp curves. This I accomplish by fitting the front and the hind wheels on vertical pivots, and connecting them by means of a diagonal bar, as shown in the drawing, so that the turning of the front wheel also turns the back wheel with a position at an angle with the beams, thereby enabling it easily to turn a curve.

In the drawing, A is the front wheel, B the hind wheel, and C the standards extending from the axle of the front wheel to the vertical pivot a in the beam b, and D is the cross-bar upon the end of a by which the steering is done. The hind wheel B is also fitted with jaws c and a vertical pivot d.

FRANK FORESIGHT.

Witnesses: Andrew Axle.
William Wheelwright.

[The form of oath will be substantially that provided for original applications, except that, as a caveat can only be filled by a citizen, or an alien who has resided for one year last past in the United States, and made oath of his intention to become a citizen, the oath should be modified accordingly.]

ASSIGNMENTS.

38. OF THE ENTIRE INTEREST IN AN INVENTION BEFORE THE ISSUE OF LETTERS PATENT.

In consideration of one dollar to me paid by Ephraim G. Hall, of Cleveland, Ohio, I do hereby sell and assign to said Ephraim G. Hall an undivided half of all my right, title, and interest in and to a certain invention in plows, as fully set forth and described in the specification which I have prepared [if the application has been already made, say "and filed"] preparatory to obtaining letters patent of the United States therefor. And I do hereby authorize and request the Commissioner of

Patents to issue the said letters patent jointly to myself and the said Ephraim G. Hall, our heirs and assigns.

Witness my hand this 16th day of February, 1868.

J. F. CROSSETTE.

[Five-cent revenue stamp.]

39. OF THE ENTIRE INTEREST IN LETTERS PATENT.

In consideration of five hundred dollars to me paid by Nathan Wilcox, of Keokuk, Iowa, I do hereby sell and assign to the said Nathan Wilcox all my right, title, and interest in and to the letters-patent of the United States No. 41806, for an improvement in locomotive headlights, granted to me July 30, 1864, the same to be held and enjoyed by the said Nathan Wilcox to the full end of the term for which said letters are granted, as fully and entirely as the same would have been held and enjoyed by me if this assignment and sale had not been made.

Witness my hand this 10th day of June, 1869.

HORACE KIMBALL.

[Five-cent revenue stamp.]

40. OF AN UNDIVIDED INTEREST IN THE LETTERS PATENT AND EXTENSION THEREOF.

In consideration of one thousand dollars to me paid by Obadiah N. Bush, of Chicago, Illinois, I do hereby sell and assign to the said Obadiah N. Bush one undivided fourth part of all my right, title, and interest in and to the letters patent of the United States, No. 10485, for an improvement in cooking-stoves, granted to me May 16, 1856; the same to be held and enjoyed by the said Obadiah N. Bush to the full end of the term for which said letters patent are granted, and for the term of any extension thereof, as fully and entirely as the same would have been held and enjoyed by me if this assignment and sale had not been made.

Witness my hand this 7th day of January, 1869.

JOHN C. MORRIS.

[Five-cent revenue stamp.]

41. EXCLUSIVE TERRITORIAL GRANT BY AN ASSIGNEE.

In consideration of one thousand dollars to me paid by William H. Dinsmore, of Concord, New Hampshire, I do hereby grant and convey to the said William H. Dinsmore the exclusive right to make, use, and vend within the State of Wisconsin, and the counties of Cook and Lake, in the State of Illinois, and in no other place or places, the improvement in corn-planters for which letters patent of the United States, dated August 15, 1867, were granted to Leverett R. Hull, and by said Hull assigned to me December 3, 1867, by an assignment duly recorded in Liber X⁸, p. 416, of the records of the Patent Office, the same to be held

4RP

and enjoyed by the said William H. Dinsmore as fully and entirely the same would have been held and enjoyed by me if this grant had not been made.

Witness my hand this 19th day of March, 1868.

ABRAHAM MOORE,

[Five-cent revenue stamp.]

42. LICENSE—SHOP RIGHT.

In consideration of fifty dollars to be paid by the firm of Simpson, Jenks & Co., of Huntsville, Alabama, I do hereby license and empower the said Simpson, Jenks & Co. to manufacture, at a single foundery and machine shop in said Huntsville, and in no other place or places, the improvement in cotton-seed planters, for which letters patent of the United States, No. 71846, were granted to me November 13, 1868, and to sell the machines so manufactured throughout the United States, to the full end of the term for which said letters patent are granted.

Witness my hand this 22d day of April, 1869.

JOEL NORCROSS.

[Five-cent revenue stamp.]

43. LICENSE—NOT EXCLUSIVE—WITH ROYALTY.

This agreement, made this 12th day of September, 1868, between Morrison White, party of the first part, and the Uniontown Agricultural Works, party of the second part, witnesseth, that whereas, letters patent of the United States for an improvement in horse-rakes were granted to the party of the first part, dated October 4, 1867; and whereas the party of the second part is desirous of manufacturing horse-rakes containing said patented improvement; now, therefore, the parties have agreed as follows:

I. The party of the first part hereby licenses and empowers the party of the second part to manufacture, subject to the conditions hereinafter named, at their factory in Uniontown, Maryland, and in no other place or places, to the end of the term for which said letters patent were granted, horse-rakes containing the patented improvements, and to sell the same within the United States.

II. The party of the second part agrees to make full and true returns to the party of the first part, under oath, upon the first days of July and January in each year, of all horse-rakes containing the patented

improvements manufactured by them.

III. The party of the second part agrees to pay to the party of the first part five dollars, as a license fee upon every horse-rake manufactured by said party of the second part, containing the patented improvements; provided that, if the said fee be paid upon the days provided herein for semi-annual returns, or within ten days therereafter, a discount of fifty per cent. shall be made from said fee for prompt payment.

IV. Upon a failure of the party of the second part to make returns, or

to make payment of license fees, as herein provided, for thirty days after the days herein named, the party of the first part may terminate this license, by serving a written notice upon the party of the second part; but the party of the second part shall not thereby be discharged from any liability to the party of the first part for any license fees due at the time of the service of said notice.

In witness whereof the parties above named (the said Uniontown Agricultural Works by its president) have hereunto set their hands the day and year first above written.

MORRISON WHITE.

UNIONTOWN AGRICULTURAL WORKS,
By JABEZ REYNOLDS, President.

[Five-cent revenue stamp.]

44. TRANSFER OF A TRADE-MARK.

We, Jotham Mills and Abner Clark, of Keokuk, Iowa, partners under the firm name of Mills & Clark, in consideration of five hundred dollars to us paid by Jarvis Case, of the same place, do hereby sell, assign, and transfer to the said Jarvis Case and his assigns the exclusive right to use in the manufacture and sale of stoves a certain trade-mark for stoves deposited by us in the United States Patent Office, and recorded therein July 15, 1870; the same to be held, enjoyed, and used by the said Jarvis Case, as fully and entirely as the same would have been held and enjoyed by us if this grant had not been made.

Witness our hands this 20th day of July, 1870.

JOTHAM MILLS. ABNER CLARK.

EXTENSIONS.

45. STATEMENT AND ACCOUNT.

In the matter of the application of Fanny Forrester, of the city, county, and State of New York, executrix of the last will and testament of De Witt Forrester, deceased, for extension of letters patent No. 10817, granted to him January 9, 1855, for improvements in mowing-machines.

To the Commissioner of Patents:

The applicant respectfully represents that, prior to obtaining the letters patent now sought to be extended, the said De Witt Forrester was a farmer. That his attention was called to the subject of mowing-machines by the difficulty of cutting grass by the machines then in use; that, after numerous patient and costly experiments, he succeeded in perfecting his invention and in obtaining his patent. He immediately made arrangements to manufacture the improvement, and for this purpose sold three-fourths of his farm. He then, with others, built a factory and commenced operations; but, two years afterward, the estab-

lishment was destroyed by fire, without insurance. In the exposure lishment was destroyed by a disease which confined him to the at the fire Mr. Forrester contracted a disease which confined him to the at the fire Mr. Forrester control and leaving applicant, his executrix and house for three years, when he died, leaving applicant, his executrix and house for three years, when he died, leaving applicant, his executrix and house for three years, when a small means. Nevertheless, applicant widow, with a large family and small means. Nevertheless, applicant made every effort to induce manufacturers to use the improvement, and at last succeeded in inducing the firm of Weakly & Co., of Pen. berton, New York, to recommence the manufacture of the machines, But after four years the firm failed, being largely in debt to applicant for royalties. After this it became impossible for applicant to do any. thing with the invention. She wrote to various manufacturers, and made personal application to others, but found them unwilling to make arrangements to pay royalties, or to use the invention in any way, unless she would sell the patent, including the extension, for a nominal sum, She states, however, that she has at length succeeded in perfecting an agreement with Merriam & Co., of Syracuse, New York, conditioned upon the extension, whereby the said firm agreed to manufacture the patented machines, and to pay her a royalty of three dollars upon each one made. Aside from the interest so vested in Merriam & Co., the entire interest in the extension remains vested in her, and she has made no assignment, contract, or agreement of any kind for the sale or assign. ment of the extended term to any person whatsoever.

Owing to the destruction of Mr. Forrester's books in the fire, it is impossible to prepare an accurate account of receipts and expenditures, but the following is believed to be as correct as it was possible to make it.

Receipts.

From profits from business, (for particulars of which see	
Schedule A)	\$1,236 00
From royalties from Weakly & Co., (for details of which see	
Schedule B)	2, 341 50
From sale of shop right to Brown & Jones, Penn Yan, N. Y.	250 00
Total receipts	3,827 50
Expenditures.	
Ermanas of man	0~0.00
Expense of procuring patent	250, 00
Net receipts	3, 577 50

The invention is exceedingly useful, as will be abundantly proved by the testimony. It is believed, if properly understood and appreciated, that it would now be incorporated in at least 50,000 mowing-machines. Its value may be fairly fixed at the price which manufacturers have agreed to pay for it, which is three dollars per machine. If this estimate is even approximately correct, it is evident that the public have

been greatly benefited; while the fact that Mr. Forrester invested his entire time and means, and finally lost his life in the prosecution of his invention, is respectfully offered as proof that he has not been adequately remunerated for his time, ingenuity, and expense bestowed upon this invention, and the introduction thereof into use.

Respectfully submitted.

FANNY FORRESTER

Executrix.

[Here follows oath; see form 24.]

46. Reasons of opposition to an extension, (by individuals.) In the matter of the application of Peter Prolong for an extension of letters patent for improvements in sewing-machines, No. 12213, dated

May 15, 1855.

To the Commissioner of Patents:

We wish to oppose the application above referred to for the following reasons, viz:

First. Applicant was not the original and first inventor of the improvement claimed by him in said letters patent, the same having been fully described in the English patent No. 27, of the year 1853.

Second. If said alleged invention was ever made by applicant, which

we deny, it is not useful.

Third. Said invention is not valuable and important to the public.

Fourth. Applicant has been adequately remunerated for his time, ingenuity, and expense in originating and perfecting his alleged invention.

Fifth. Applicant has not used due diligence in introducing his alleged invention into general use.

Sixth. Applicant has assigned to other parties all interest in the extension; and the extension, if granted, would not be for his benefit.

(See assignment to Veteran Grimes, dated April 1, 1864; recorded June 2, 1864, in Liber J¹⁰, page 217.)

Seventh. The statement and account filed by applicant does not present a true statement of his receipts and expenditures.

DANIEL DRIVER.
SINCLAIR SCORCHEM.
JEREMIAH JOINING.

PAWTUCKET, R. I., July 19, 1869.

47. REASONS OF OPPOSITION TO AN EXTENSION, (BY A CORPORATION.)

In the matter of the application of Timothy Twist for an extension of letters patent for improvements in process for dressing thread, No. 13119, dated May 19, 1855.

To the Commissioner of Patents:

The Growler Mills, a corporation established under the laws of Massachusetts, doing business at Fall River, Massachusetts, hereby gives notice of intention to oppose the application above referred to, for the following reasons, viz:

First. This company is extensively engaged in the manufacture and First. This company is extensions kinds in general use, having large sale of sewing-thread of the various kinds in general use, having large sale of sewing-thread of the the same accustomed to dress sums of money invested in business. It has been accustomed to dress sums of money invested in substantially the same manner as thread by sizing and brushing in substantially the same manner as warps and thread have been dressed and finished for many years, in the warps and thread have been significant new nor patentable. The said manufacture has been carried on for more than three years with the manufacture has been carried the knowledge and consent of said Timothy Twist, and without any claim to royalty or other compensation on his part, or pretense that he was the inventor of the said process. Within the past six months, however, he has threatened this corporation with an action for damages unless an exorbitant sum of money were paid to him.

Second. Said letters patent are valid neither in law nor in fact; the alleged invention is not valuable and important to the public, and an extension would result in the prolongation of a vexatious and unfounded claim, which would compel a resort to litigation to prove the utter

worthlessness of said patent.

This corporation is ready to substantiate by evidence these reasons of objection.

And said corporation hereby appoints Messrs. Morehead & Newton, of Fall River, Massachusetts, its attorneys and counsel, with full power to represent said corporation in all matters relating to said proposed extension.

Witness the seal of said corporation, and the signature of its president, at Fall River, Massachusetts, this 3d day of April, A. D. 1869.

SEAL.

THE GROWLER MILLS, By RODERICK RITTENHOUSE, President.

[Fifty-cent revenue stamp.]

DEPOSITIONS.

48. NOTICE OF TAKING TESTIMONY.

BOSTON, MASS., March 29, 1869.

In the matter of the interference between the application of Lyman Osgood for a paper-collar machine, and the patent No. 85038, granted December 15, 1868, to Charles Comstock, now pending before the Commissioner of Patents.

SIR: You are hereby notified that on Wednesday, March 31, 1869, at the office of Sextus Tarquin, esq., No. 30 Court street, Boston, Massachusetts, at nine o'clock in the forenoon, I shall proceed to take the testimony of Truman Truthful, Peter Pivot, and Welcome Story, all of Boston, as witnesses in my behalf.

The examination will continue from day to day until completed.

are invited to attend and cross-examine.

LYMAN OSGOOD, By PETER PROCTOR, his Attorney.

CHARES COMSTOCK, Providence, R. I.

Proof of service.

COMMONWEALTH OF MASSACHUSETTS, \ 88:

Personally appeared before me, a justice of the peace, the abovenamed Lyman Osgood, who being duly sworn deposes and says that he served the above notice upon Richard Dean, the attorney of the said Charles Comstock, at one o'clock p. m. of the 30th day of March, 1869, by leaving a copy at his office in Providence, Rhode Island, in charge of his partner, James Cox.

LYMAN OSGOOD.

Sworn to and subscribed before me this 31st day of March, 1869.

(Service may be acknowledged by the party upon whom it is made as follows:

Service of the above notice acknowledged.

CHARLES COMSTOCK,
By RICHARD DEAN, his Attorney.)

49. FORM OF DEPOSITION.

Before the Commissioner of Patents, in the matter of the interference between the application of Lyman Osgood for a paper-collar machine, and the letters patent No. 85038, granted December 15, 1868, to Charles Comstock.

Depositions of witnesses examined on behalf of Lyman Osgood, pursuant to the annexed notice, at the office of Sextus Tarquin, No. 30 Court street, Boston, Massachusetts, on Wednesday, March 31, 1869. Present, Peter Proctor, esq., on behalf of Lyman Osgood, and Charles Cavil, esq., on behalf of Charles Comstock.

Trum an Truthful:

(1.)*

Truman Truthful, being duly sworn, (or affirmed,) doth depose and say, in answer to interrogatories proposed to him by Peter Proctor, esq., counsel for Lyman Osgood, as follows, to wit:

Question 1. What is your name, age, residence, and occupation?

Answer 1. My name is Truman Truthful; I am forty-three years of age; I am a manufacturer of paper-collars, and reside in Chelsea, Massachusetts.

Question 2, &c.

* * * *

And in answer to cross-interrogatories proposed to him by Charles Cavil, esq., counsel for Charles Comstock, he saith:

TRUMAN TRUTHFUL.

50. CERTIFICATE OF OFFICER.

(To follow deposition.)

COMMONWEALTH OF MASSACHUSETTS, } 88:

At Boston, in said county, on the 31st day of March, A. D. 1869, before me personally appeared the above-named Truman Truthful, and made oath that the foregoing deposition by him subscribed contains the truth, the whole truth, and nothing but the truth. The said deposition is taken at the request of Lyman Osgood, to be used upon the hearing of an interference between the claims of the said Lyman Osgood and those of Charles Comstock, before the Commissioner of Patents, on the 3d day of May, A. D. 1869.

The said Charles Comstock was duly notified, as appears by the original notice hereto annexed, and attended by Charles Cavil, esq., his

counsel.

SEXTUS TARQUIN,

Justice of the Peace.

The magistrate shall then append to the deposition the notice under which it was taken, shall seal up the testimony, and direct it to the Commissioner of Patents, placing upon the envelope a certificate, in substance as follows:

I hereby certify that the within deposition of Truman Truthful, [if the package contains more than one deposition give all the names,] relating to the matter of interference between Lyman Osgood and Charles Comstock, was taken, sealed up, and addressed to the Commissioner of Patents by me this 26th day of April, A. D. 1869.

SEXTUS TARQUIN,

Justice of the Peace.

50. CERTIFICATE OF OFFICER.

(To follow deposition.)

COMMONWEALTH OF MASSACHUSETTS, } 88:

At Boston, in said county, on the 31st day of March, A. D. 1869, before me personally appeared the above-named Truman Truthful, and made oath that the foregoing deposition by him subscribed contains the truth, the whole truth, and nothing but the truth. The said deposition is taken at the request of Lyman Osgood, to be used upon the hearing of an interference between the claims of the said Lyman Osgood and those of Charles Comstock, before the Commissioner of Patents, on the 3d day of May, A. D. 1869.

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SEXTUS TARQUIN,

Justice of the Peace.

50. CERTIFICATE OF OFFICER.

(To follow deposition.)

Commonwealth of Massachusetts, } ss:

At Boston, in said county, on the 31st day of March, A. D. 1869, before me personally appeared the above-named Truman Truthful, and made oath that the foregoing deposition by him subscribed contains the truth, the whole truth, and nothing but the truth. The said deposition is taken at the request of Lyman Osgood, to be used upon the hearing of an interference between the claims of the said Lyman Osgood and those of Charles Comstock, before the Commissioner of Patents, on the 3d day of May, A. D. 1869.

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Justice of the Peace.

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SEXTUS TARQUIN,

Justice of the Peace.

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